



# Journal of the Senate

Number 1—Special Session F

Wednesday, April 1, 1992

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

## CALL TO ORDER

The Senate was called to order by the President at 3:00 p.m. A quorum present—40:

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Burt	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

## PRAYER

The following prayer was offered by James C. Vaughn, Jr., Reading Clerk:

"O God, our help in ages past  
Our hope for years to come,  
Our shelter from the stormy blast  
and our eternal home."

Heavenly Father, for the third time this year, this legislative body finds itself in the starting blocks of legislative contemplation. As they prepare to run this lap, with whatever pace they so choose, may they forever be reminded that—"They have only just a minute, only sixty seconds. They did not seek, they did not choose it. They must suffer if they lose it and give account of it if they abuse it. Only sixty seconds, a tiny little minute, but the future of all Floridians is contained within it."

In his name we humbly submit ourselves. Amen.

## PLEDGE

The Senate pledged allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamation:

**PROCLAMATION**  
State of Florida  
Executive Department  
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE  
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, the Twelfth Legislature of the State of Florida, under the Florida Constitution, 1968 Revision, convened in regular session for the year 1992 on January 14, 1992, and adjourned on March 13, 1992, and

WHEREAS, by joint proclamation the Legislature of the State of Florida was called into Special Session to commence 1:30 p.m. on Monday, March 23, 1992, and that session adjourned on April 1, 1992, and

WHEREAS, the Legislature adjourned the Special Session called by joint proclamation without passing needed legislation creating the Department of Management Services, and

WHEREAS, it is in the best interest of the citizens of the State of Florida to call a Special Session of the Florida Legislature so that full and adequate consideration can be given to the item set forth below.

NOW, THEREFORE, I, LAWTON CHILES, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

### Section 1.

The Legislature of the State of Florida is convened in Special Session Commencing at 3:00 p.m. on Wednesday, April 1, 1992, and ending at 11:59 a.m. Wednesday, April 8, 1992.

### Section 2.

The Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following:

Abolishing the Department of Administration and transferring its duties to the Department of General Services and other agencies; renaming the Department of General Services as the Department of Management Services; transferring certain duties thereof to other agencies; and providing for the appointment of the Secretary of the Department of Management Services by the Governor.



IN TESTIMONY WHEREOF, I have caused the Great Seal of the State of Florida to be affixed to this proclamation at the Capitol, this 1st day of April, 1992.

Lawton Chiles  
GOVERNOR

ATTEST:

Jim Smith

SECRETARY OF STATE

## INTRODUCTION AND REFERENCE OF BILL

By Senator Malchon—

**SB 2-F**—A bill to be entitled An act relating to governmental reorganization; abolishing the Department of Administration and transferring its duties to other agencies; amending s. 20.22, F.S.; renaming the Department of General Services as the Department of Management Services and providing that the head of the department is a Secretary of Management Services appointed by the Governor; transferring the Division of Bond Finance from the Department of General Services to the State Board of Administration; transferring personnel, records, property, and unexpended balances of appropriations of the Department of General Services used to support the Office of Executive Clemency to the Florida Parole Commission; making the Division of Surplus Property a bureau within the Division of Purchasing; amending ss. 11.25, 11.44, 20.04, 20.23, 24.120, 110.107, 110.109, 110.1097, 110.1127, 110.1128, 110.116, 110.117, 110.121, 110.123, 110.1231, 110.1232, 110.1234, 110.1245, 110.1246, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.205, 110.2135, 110.215, 110.227, 110.233, 110.403, 110.405, 110.407, 110.503, 110.607, 112.0455, 112.08, 112.0804, 112.24, 112.3173, 112.352, 112.361, 112.363,

112.63, 112.665, 120.52, 120.65, 121.021, 121.025, 121.031, 121.0515, 121.055, 121.071, 121.135, 121.136, 121.35, 121.40, 122.02, 122.03, 122.09, 122.13, 122.23, 122.34, 123.01, 123.07, 123.11, 123.24, 123.25, 123.36, 132.34, 145.19, 154.04, 163.3184, 189.4035, 189.412, 189.421, 210.20, 210.75, 215.425, 215.515, 215.94, 215.96, 216.011, 216.0165, 216.262, 218.32, 230.23, 231.262, 231.36, 238.01, 238.03, 238.08, 238.11, 240.209, 240.343, 242.68, 250.22, 252.38, 253.126, 266.0006, 266.0016, 266.0026, 266.0036, 266.0046, 266.0056, 266.0066, 284.36, 287.17, 295.11, 321.04, 321.17, 321.19, 321.191, 321.202, 321.2205, 337.165, 350.0614, 350.125, 370.0821, 376.10, 381.709, 402.35, 403.061, 406.075, 408.001, 409.029, 443.131, 455.225, 650.02, 760.04, F.S.; conforming such sections to the abolition of the Department of Administration; amending ss. 11.148, 11.45, 14.057, 20.32, 24.105, 27.34, 27.54, 75.05, 110.173, 120.53, 159.345, 159.475, 159.7055, 159.803, 212.055, 215.422, 215.47, 215.62, 215.93, 215.94, 216.0152, 216.016, 216.044, 216.0445, 216.163, 216.292, 217.01, 217.02, 217.04, 217.045, 218.32, 218.37, 218.38, 229.8052, 235.018, 235.26, 240.225, 240.417, 240.441, 253.45, 255.02, 255.043, 255.05, 255.21, 255.245, 255.25, 255.253, 255.258, 255.259, 255.28, 255.29, 255.30, 255.45, 255.451, 255.502, 255.506, 255.518, 255.555, 255.565, 259.03, 265.284, 265.285, 265.2865, 267.061, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129, 272.16, 272.161, 272.18, 272.185, 273.04, 273.05, 273.055, 281.02, 281.07, 282.102, 282.1021, 282.103, 282.105, 282.1095, 282.111, 282.304, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.314, 282.318, 282.402, 282.403, 283.30, 284.01, 284.04, 284.05, 284.08, 284.385, 284.42, 285.06, 285.14, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, 287.0572, 287.0595, 287.064, 287.073, 287.0834, 287.0943, 287.0945, 287.133, 287.15, 287.151, 287.155, 287.16, 288.13, 288.14, 288.15, 288.17, 288.18, 288.23, 288.24, 288.28, 288.281, 288.31, 288.33, 288.703, 288.704, 288.705, 320.0802, 327.25, 336.025, 337.02, 337.276, 338.227, 341.101, 341.322, 344.17, 348.0002, 348.241, 348.52, 348.755, 348.765, 348.94, 348.941, 348.963, 348.966, 349.05, 365.171, 373.4596, 377.703, 380.0662, 401.013, 401.015, 403.1834, 403.1835, 403.712, 403.714, 403.7145, 413.034, 420.503, 420.608, 553.77, 570.50, 627.096, 940.03, 943.03, 944.10, 944.713, 946.504, 946.515, F.S.; conforming such sections to the renaming of the Department of Management Services and to the transfer of certain of the department's duties; repealing s. 20.31, F.S., relating to the Department of Administration; repealing s. 112.192, F.S., relating to the State Officers' Compensation Commission; repealing s. 215.58(5), F.S., relating to a definition of the term "department"; providing for a study of certain functions of decisions in the Department of General Services; authorizing the Department of Revenue and Department of Labor and Employment Security to implement certain procedures in lieu of statutory procedures in areas of personnel and budgeting for a specified period; creating a Productivity Advisory Group; providing for membership and duties; providing for a report; providing for emergency rules; providing that certain information be provided to the Legislature prior to any further continuation or expansion of the pilot program conducted by the Department of Revenue and Department of Labor and Employment Security; amending ss. 121.1815, 121.22, 121.23, 121.24, 217.07, 281.09, 407.50, F.S., and s. 18, ch. 91-431, Laws of Florida; conforming such sections to the abolition of the Department of Administration and the renaming of the Department of General Services; providing for continuation of rules of agencies involved in reorganization; providing for substitution of agencies in pending proceedings; providing for assumption of powers and duties under conflicting laws enacted in the same session; providing for construction of laws enacted at the 1992 Regular Session or a special session in relation to this act; providing for reduced expenditures by the Department of Management Services in certain budget categories in fiscal year 1993-1994 and fiscal year 1994-1995; providing an effective date.

—was read by title and referred to the Committee on Appropriations.

On motions by Senator Malchon, by two-thirds vote **SB 2-F** was withdrawn from the Committee on Appropriations and by unanimous consent taken up *instanter*.

On motion by Senator Malchon, by two-thirds vote **SB 2-F** was read the second time by title.

On motion by Senator Gardner, further consideration of **SB 2-F** was deferred.

## CONSIDERATION OF RESOLUTIONS AND MEMORIAL

### MOTIONS TO INTRODUCE RESOLUTIONS

On motion by Senator McKay, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

On motion by Senator McKay, by unanimous consent—

By Senator McKay—

**SR 4-F**—A resolution acknowledging May 7, 1992, as The National Day of Prayer in Florida.

WHEREAS, the Congress of the United States has passed a law proclaiming the first Thursday of each May as "The National Day of Prayer," and

WHEREAS, the theme for this year's National Day of Prayer is "Let us pray," and

WHEREAS, May 7, 1992, is the first Thursday in May of 1992, and

WHEREAS, it is fitting and appropriate that the Senate acknowledges May 7, 1992, as The National Day of Prayer in Florida, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Senate joyfully acknowledges May 7, 1992, as The National Day of Prayer in Florida and joins Floridians of all faiths in celebrating this occasion. Let us express our faith with gladness, knowing that we are protected in our ability to worship devoutly. Let us be thankful and enjoy and exercise our religious beliefs, secure in the knowledge that in this great country we shall always be free to do so.

—was introduced out of order and read by title. On motion by Senator McKay, **SR 4-F** was read the second time in full and adopted.

On motion by Senator Gardner, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

On motion by Senator Gardner, by unanimous consent—

By Senator Gardner—

**SR 6-F**—A resolution commending the Office of the State Attorney for the Eighteenth Judicial Circuit.

WHEREAS, the Office of the State Attorney for the Eighteenth Judicial Circuit, Brevard and Seminole Counties, was recently chosen the national State Government winner in the 1992 Public Service Excellence Award Program by the Public Employees Roundtable and cosponsors the National Governors Association, the National Association of Counties, the International City/County Management Association, the National League of Cities, and the U.S. Office of Personnel Management in Washington, D.C., and

WHEREAS, the Public Service Excellence Awards are given annually, one in each category of Federal, State, City, and County Government, to pay tribute to government employees whose achievements exhibit the highest standard of dedication, excellence, and accomplishment, and

WHEREAS, the 1992 awards will be presented on May 8th, during Public Service Recognition Week, at a Capitol Hill "Breakfast of Champions" in Washington, D.C., with members of Congress on hand to pay tribute to the winners, and

WHEREAS, these awards focus on groups that stress teamwork and cooperation and demonstrate the highest traditions of public service, which teamwork is evidenced in the history of coordinated efforts between the Brevard County Commission and the State Attorney's Office to ensure that victim/witness programs in that community are not only supported financially, but are also given a high priority, and

WHEREAS, the State Attorney's Victim/Witness Service Program strives to continue the highest quality of services to victims and witnesses by providing specialized divisions staffed with advocates trained to work with all types of victims and witnesses, and

WHEREAS, the award won by the State Attorney's Office recognizes State Attorney Norm Wolfinger and his staff for their innovative and comprehensive work with victims and witnesses in the criminal justice system, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate hereby commends the Office of the State Attorney for the Eighteenth Judicial Circuit for their nationally recognized dedication to victims and witnesses of crime.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Office of the State Attorney for the Eighteenth Judicial Circuit as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Gardner, **SR 6-F** was read the second time in full and adopted.

#### MOTION TO INTRODUCE MEMORIAL

On motion by Senator Bankhead, by the required constitutional two-thirds vote of the Senate the following memorial was admitted for introduction:

On motion by Senator Bankhead, by unanimous consent—

By Senator Bankhead—

**SM 8-F**—A memorial to the Congress of the United States, urging Congress to consider factors that weigh against reducing the number of National Guard units.

WHEREAS, the United States Government is proposing to severely reduce the number of National Guard units serving this country, and

WHEREAS, the Department of Defense has specifically recommended eliminating several distinguished Florida National Guard units, and

WHEREAS, Florida National Guard units have served the United States of America and Florida as an intrinsic, cost-effective component of the military and civil defense forces, and

WHEREAS, Florida National Guard units have played important roles in military actions since 1636, when the first Spanish militia units were formed in St. Augustine, and

WHEREAS, most recently, Florida National Guard units were vital components of Operation Desert Storm, and

WHEREAS, Florida National Guard units have served the people of this state during times of natural disaster and civil unrest, and

WHEREAS, the Florida National Guard is active in the war on drugs, both in this state and throughout this hemisphere, and

WHEREAS, National Guard troops and armories are a significant part of the communities in which they are located, and

WHEREAS, these Florida units should continue to be able to serve their state and their country in times of peace and war, NOW, THEREFORE,

*Be It Resolved by the Legislature of the State of Florida:*

That the Congress of the United States is urged, when debating restructuring of the Armed Forces, to consider a balanced approach to the force reductions brought about by the end of the cold war; to consider the impact of the National Guard as a component of the state's civil defense forces; to consider the consequences to the economic recovery of communities that host National Guard units; and to honor the dedication and sacrifice made by our citizen soldiers.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was introduced out of order and read by title. On motion by Senator Bankhead, by two-thirds vote **SM 8-F** was read the second time in full, adopted and certified to the House.

#### RECESS

On motion by Senator Gardner, the Senate recessed at 3:39 p.m. to reconvene at 4:00 p.m.

#### CALL TO ORDER

The Senate was called to order by the President at 4:00 p.m. A quorum present—40:

President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Burt	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

The Senate resumed consideration of—

**SB 2-F**—A bill to be entitled An act relating to governmental reorganization; abolishing the Department of Administration and transferring its duties to other agencies; amending s. 20.22, F.S.; renaming the Department of General Services as the Department of Management Services and providing that the head of the department is a Secretary of Management Services appointed by the Governor; transferring the Division of Bond Finance from the Department of General Services to the State Board of Administration; transferring personnel, records, property, and unexpended balances of appropriations of the Department of General Services used to support the Office of Executive Clemency to the Florida Parole Commission; making the Division of Surplus Property a bureau within the Division of Purchasing; amending ss. 11.25, 11.44, 20.04, 20.23, 24.120, 110.107, 110.109, 110.1097, 110.1127, 110.1128, 110.116, 110.117, 110.121, 110.123, 110.1231, 110.1232, 110.1234, 110.1245, 110.1246, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.205, 110.2135, 110.215, 110.227, 110.233, 110.403, 110.405, 110.407, 110.503, 110.607, 112.0455, 112.08, 112.0804, 112.24, 112.3173, 112.352, 112.361, 112.363, 112.63, 112.665, 120.52, 120.65, 121.021, 121.025, 121.031, 121.0515, 121.055, 121.071, 121.135, 121.136, 121.35, 121.40, 122.02, 122.03, 122.09, 122.13, 122.23, 122.34, 123.01, 123.07, 123.11, 123.24, 123.25, 123.36, 132.34, 145.19, 154.04, 163.3184, 189.4035, 189.412, 189.421, 210.20, 210.75, 215.425, 215.515, 215.94, 215.96, 216.011, 216.0165, 216.262, 218.32, 230.23, 231.262, 231.36, 238.01, 238.03, 238.08, 238.11, 240.209, 240.343, 242.68, 250.22, 252.38, 253.126, 266.0006, 266.0016, 266.0026, 266.0036, 266.0046, 266.0056, 266.0066, 284.36, 287.17, 295.11, 321.04, 321.17, 321.19, 321.191, 321.202, 321.2205, 337.165, 350.0614, 350.125, 370.0821, 376.10, 381.709, 402.35, 403.061, 406.075, 408.001, 409.029, 443.131, 455.225, 650.02, 760.04, F.S.; conforming such sections to the abolition of the Department of Administration; amending ss. 11.148, 11.45, 14.057, 20.32, 24.105, 27.34, 27.54, 75.05, 110.173, 120.53, 159.345, 159.475, 159.7055, 159.803, 212.055, 215.422, 215.47, 215.62, 215.93, 215.94, 216.0152, 216.016, 216.044, 216.0445, 216.163, 216.292, 217.01, 217.02, 217.04, 217.045, 218.32, 218.37, 218.38, 229.8052, 235.018, 235.26, 240.225, 240.417, 240.441, 253.45, 255.02, 255.043, 255.05, 255.21, 255.245, 255.25, 255.253, 255.258, 255.259, 255.28, 255.29, 255.30, 255.45, 255.451, 255.502, 255.506, 255.518, 255.555, 255.565, 259.03, 265.284, 265.285, 265.2865, 267.061, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129, 272.16, 272.161, 272.18, 272.185, 273.04, 273.05, 273.055, 281.02, 281.07, 282.102, 282.1021, 282.103, 282.105, 282.1095, 282.111, 282.304, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.314, 282.318, 282.402, 282.403, 283.30, 284.01, 284.04, 284.05, 284.08, 284.385, 284.42, 285.06, 285.14, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, 287.0572, 287.0595, 287.064, 287.073, 287.0834, 287.0943, 287.0945, 287.133, 287.15, 287.151, 287.155, 287.16, 288.13, 288.14, 288.15, 288.17, 288.18, 288.23, 288.24, 288.28, 288.281, 288.31, 288.33, 288.703, 288.704, 288.705, 320.0802, 327.25, 336.025, 337.02, 337.276, 338.227, 341.101, 341.322, 344.17, 348.0002, 348.241, 348.52, 348.755, 348.765, 348.94, 348.941, 348.963, 348.966, 349.05, 365.171, 373.4596, 377.703, 380.0662, 401.013, 401.015, 403.1834, 403.1835, 403.712, 403.714, 403.7145, 413.034, 420.503, 420.608, 553.77, 570.50, 627.096, 940.03, 943.03, 944.10, 944.713, 946.504, 946.515, F.S.; conforming such sections to the renaming of the Department of Management Services and to the transfer of certain of the department's duties; repealing s. 20.31, F.S., relating to the Department of Administration; repealing s. 112.192, F.S., relating to the State Officers' Compensation

Commission; repealing s. 215.58(5), F.S., relating to a definition of the term "department"; providing for a study of certain functions of decisions in the Department of General Services; authorizing the Department of Revenue and Department of Labor and Employment Security to implement certain procedures in lieu of statutory procedures in areas of personnel and budgeting for a specified period; creating a Productivity Advisory Group; providing for membership and duties; providing for a report; providing for emergency rules; providing that certain information be provided to the Legislature prior to any further continuation or expansion of the pilot program conducted by the Department of Revenue and Department of Labor and Employment Security; amending ss. 121.1815, 121.22, 121.23, 121.24, 217.07, 281.09, 407.50, F.S., and s. 18, ch. 91-431, Laws of Florida; conforming such sections to the abolition of the Department of Administration and the renaming of the Department of General Services; providing for continuation of rules of agencies involved in reorganization; providing for substitution of agencies in pending proceedings; providing for assumption of powers and duties under conflicting laws enacted in the same session; providing for construction of laws enacted at the 1992 Regular Session or a special session in relation to this act; providing for reduced expenditures by the Department of Management Services in certain budget categories in fiscal year 1993-1994 and fiscal year 1994-1995; providing an effective date.

—which had been previously considered this day.

Senators Gordon and Myers offered the following amendment which was moved by Senator Gordon and failed:

**Amendment 1 (with Title Amendment)**—Strike everything after the enacting clause and insert:

Section 1. The Department of Administration is abolished, and:

(1) The Division of Retirement of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services.

(2) The Division of Personnel Management Services of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services.

(3) The Division of Administrative Hearings of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services, except that the exercise by the division of its powers, duties, and functions prescribed by law shall not be subject to review or approval by or under the direct supervision of the Department of Management Services.

(4) The Division of State Employees' Insurance of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(4), Florida Statutes, to the Department of Management Services.

(5) The Office of Labor Relations within the office of Secretary of Administration is hereby transferred by a type four transfer as defined in section 20.06(4), Florida Statutes, to the Department of Management Services and assigned to the office of the secretary.

(6) The Office of Human Resource Development within the office of the Secretary of Administration is hereby transferred by a type three transfer as defined in section 20.06(3), Florida Statutes, to the Department of Management Services and assigned to the Division of Personnel Management Services.

(7) The State Retirement Commission, which is created by section 121.22, Florida Statutes, is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services, except that the exercise by the commission of its powers, duties, and functions prescribed by law shall not be subject to review or approval by or under the direct supervision of the head of the department.

(8) The Florida Commission on Human Relations, which is created by section 760.03, Florida Statutes, is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Executive Office of the Governor, except that the exercise by the commission of its powers, duties, and functions prescribed by law shall not be subject to review or approval by or under the direct supervision of the Governor.

Section 2. The Division of Bond Finance of the Department of General Services is hereby transferred by a type one transfer, as defined in section 20.06(4), Florida Statutes, to the State Board of Administration. The Governor and Cabinet shall continue to serve as the governing board of the division.

Section 3. All personnel, records, property, and unexpended balances of appropriations within the Department of General Services used to support the Office of Executive Clemency are hereby transferred to the Florida Parole Commission by a type four transfer, as defined in section 20.06, Florida Statutes, and are assigned to the commission's clemency unit as provided in section 947.04(2)(d), Florida Statutes.

Section 4. Section 20.22, Florida Statutes, is amended to read:

20.22 Department of *Management General* Services.—There is created a Department of *Management General* Services.

(1) The head of the Department of *Management General* Services is the Governor and Cabinet.

(2) The following divisions and bureaus within the Department of *Management General* Services are established:

(a) Division of Administration.

~~(b) Division of Bond Finance.~~

(b)(e) Division of Building Construction.

(c)(d) Division of Communications.

(d)(e) Division of Facilities Management.

(e)(f) Division of Information Services.

~~(f)(g)~~ Division of Motor Pool.

1. Bureau of Aircraft.

2. Bureau of Motor Vehicles.

(g) *Division of Personnel Management Services.*

(h) Division of Purchasing.

1. *Bureau of Surplus Property.*

(i) *Division of Retirement.*

(j) *Division of State Employees' Insurance.*

(k) *Division of Administrative Hearings.*

~~(l)(i)~~ Division of Capitol Police.

~~(j)~~ *Division of Surplus Property.*

(3) The Division of Information Services shall operate and manage the Administrative Management Information Center.

Section 5. Subsection (2) of section 11.25, Florida Statutes, is amended to read:

11.25 Salaries and expenditures not subject to control of executive agencies.—

(2) *Agencies of the executive branch* ~~The Department of Administration~~ shall have no power to determine the number or fix the compensation of legislative employees or exercise any manner of control over them. The selection of such employees, the determination of their qualifications and compensation, and the establishment of policies relating to their work, including hours of work, leave, and other matters, shall be the sole prerogative of the Legislature.

Section 6. Subsection (2) of section 11.44, Florida Statutes, is amended to read:

11.44 Salaries and expenses.—

(2) The Legislature hereby declares and determines that the Legislative Auditing Committee is a standing committee of the Legislature with interim powers and that the Auditor General is an office under the legislative branch of government; they are not agencies of government within the intention of the Legislature as expressed in chapter 216, and no power shall rest in the Executive Office of the Governor or its successor to release or withhold funds appropriated to them, but the same shall be



available for expenditure as provided by law and the rules or decisions of the committee. ~~Agencies of the executive branch~~ ~~The Department of Administration or its successor~~ shall have no power to determine the number or fix the compensation of the employees of the committee or of the Auditor General or to exercise any manner of control over them. The Legislative Auditing Committee shall submit to the Joint Legislative Management Committee, for planning purposes only, an estimate of the financial needs of the committee and the Auditor General.

Section 7. Paragraph (c) of subsection (6) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(6)

(c) For the purposes of such recommendations and approvals, the Department of ~~Management Services Administration~~ and the Executive Office of the Governor, respectively, shall adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. Such criteria shall not only be applied to future agency requests for reorganization, but shall also be utilized to review the appropriateness of bureaus currently in existence. Any current bureau which does not meet the criteria for a bureau shall be reorganized into a section or other appropriate unit.

Section 8. Subsection (5) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(5) Notwithstanding the provisions of s. 110.205, the Department of ~~Management Services Administration~~ is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(i) or positions which are comparable to positions in the Selected Exempt Service under s. 110.205(2)(l).

Section 9. Subsection (7) of section 24.120, Florida Statutes, is amended to read:

24.120 Financial matters; Administrative Trust Fund; interagency cooperation.—

(7) ~~The Secretary of the Department of Management Services Administration~~ may authorize a sales incentive program for employees of the department for the purpose of increasing the sales volume and distribution of lottery tickets. Payments pursuant to such program shall not be construed to be lump-sum salary bonuses.

Section 10. Section 110.107, Florida Statutes, as amended by section 4 of chapter 91-431, Laws of Florida, is amended to read:

110.107 Definitions.—As used in this chapter, ~~unless the term context otherwise requires:~~

(1) "Department" means the Department of ~~Management Services Administration~~.

(2) "~~Executive director Secretary~~" means the ~~Executive Director Secretary~~ of ~~The Department of Management Services Administration~~.

(3) "Furlough" means a temporary reduction in the regular hours of employment in a pay period, or temporary leave without pay for one or more pay periods, with a commensurate reduction in pay, necessitated by a projected deficit in any fund that supports salary and benefit appropriations. The deficit must be projected by the Revenue Estimating Conference pursuant to s. 216.136(3).

Section 11. Subsection (3) of section 110.109, Florida Statutes, as amended by section 1 of chapter 91-431, Laws of Florida, is amended to read:

110.109 Productivity improvement and personnel audits of executive branch agencies.—The department shall be responsible for conducting personnel audits of all executive branch agencies, except the State University System, to provide as follows:

(3) At the conclusion of the audit, the ~~Executive Director Secretary~~ of the ~~Department of Management Services Administration~~ or his designated representative shall discuss the audit with the official whose office

is subject to audit and submit to him a list of his adverse findings which may be included in the audit report. If the official is not available for receipt of the list of adverse audit findings, clearly designated as such, then delivery thereof is presumed to be made when it is delivered to his office. The official shall submit to the ~~Executive Director Secretary~~ of the ~~Department of Management Services Administration~~ or his designated representative, within 30 days after the receipt of the list of findings, his written statement of explanation or rebuttal concerning all of the findings, including therein corrective action to be taken to preclude a recurrence of adverse findings

Section 12. Subsection (3) of section 110.1097, Florida Statutes, is amended to read:

110.1097 Personnel system improvements for Department of Health and Rehabilitative Services; intent; review, report.—

(3) ~~The Department of Administration shall review the findings of the Department of Health and Rehabilitative Services and report its preliminary findings and recommendations, including a timetable for implementation of recommendations, to the Governor, the Legislature, and the Auditor General no later than November 1, 1991, and its final findings and recommendations no later than January 1, 1992.~~ Not later than November 1 of each year, the Department of ~~Management Services Administration~~ shall report to the Governor, the Legislature, and the Auditor General on implementation of recommendations in its final reports until all such recommendations have been implemented.

Section 13. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency, with the approval of the Department of ~~Management Services Administration~~, shall designate such of its positions of state employment which, because of the special trust or responsibility or sensitive location of such positions, require that persons occupying such positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 14. Subsection (3) of section 110.1128, Florida Statutes, is amended to read:

110.1128 Selective service registration.—

(3) The Department of ~~Management Services Administration~~ shall adopt rules necessary to carry out the administration of the requirements of this section. Such rules shall provide for a review, when requested by the applicant or employee, of any denial of employment or promotion for reasons of noncompliance with selective service registration requirements.

Section 15. Section 110.116, Florida Statutes, is amended to read:

110.116 Personnel information system; payroll procedures.—The Department of ~~Management Services Administration~~ shall establish and maintain, in coordination with the payroll system of the Department of Banking and Finance, a complete personnel information system for all authorized and established positions in the state service, with the exception of employees of the Legislature. The specifications shall be developed in conjunction with the payroll system of the Department of Banking and Finance and in coordination with the Auditor General. The Department of Banking and Finance shall determine that the position occupied by each employee has been authorized and established in accordance with the provisions of s. 216.251. The Department of ~~Management Services Administration~~ shall develop and maintain a position numbering system that will identify each established position, and such information shall be a part of the payroll system of the Department of Banking and Finance. With the exception of employees of the Legislature, this system shall include all career service positions and those positions exempted from career service provisions, notwithstanding the funding source of the salary payments, and information regarding persons receiving payments from other sources. Necessary revisions shall be made in the personnel and payroll procedures of the state to avoid duplication insofar as is feasible. A list shall be organized by budget entity to show the employees or vacant positions within each budget entity. This list shall be available to the Speaker of the House of Representatives and the President of the Senate upon request.

Section 16. Subsection (2) of section 110.117, Florida Statutes, is amended to read:

110.117 Paid holidays.—

(2) The *department secretary* may declare, when appropriate, a state day of mourning in observance of the death of a person in recognition of service rendered to the state or nation.

Section 17. Section 110.121, Florida Statutes, is amended to read:

110.121 Sick leave pool.—Each department or agency of the state which has authority to adopt rules governing the accumulation and use of sick leave for employees and which maintains accurate and reliable records showing the amount of sick leave which has been accumulated and is unused by employees may, in accordance with guidelines which shall be established by the Department of *Management Services Administration*, adopt rules for the establishment of a plan allowing participating employees to pool sick leave and allowing any sick leave thus pooled to be used by any participating employee who has used all of the sick leave that has been personally accrued by him. Although not limited to the following, such rules shall provide:

(1) That employees shall be eligible for participation in the sick leave pool after 1 year of employment with the state or agency of the state; provided that such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(2) That participation in the sick leave pool shall, at all times, be voluntary on the part of the employees.

(3) That any sick leave pooled shall be removed from the personally accumulated sick leave balance of the employee contributing such leave.

(4) That any sick leave in the pool which leave is used by a participating employee shall be used only for the employee's personal illness, accident, or injury.

(5) That a participating employee shall not be eligible to use sick leave accumulated in the pool until all of his personally accrued sick, annual, and compensatory leave has been used.

(6) A maximum number of days of sick leave in the pool which any one employee may use.

(7) That a participating employee who uses sick leave from the pool shall not be required to retribute such sick leave to the pool, except as otherwise provided in this section herein.

(8) That an employee who cancels his membership in the sick leave pool shall not be eligible to withdraw the days of sick leave he has contributed to the pool.

(9) That an employee who transfers from one position in state government to another position in state government may transfer from one pool to another if the eligibility criteria of the pools are comparable or the administrators of the pools have agreed on a formula for transfer of credits.

(10) That alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the agency head.

(11) That sick leave credits may be drawn from the sick leave pool by a part-time employee on a pro rata basis.

Section 18. Subsection (2), paragraphs (a) and (d) of subsection (3), paragraph (f) of subsection (4), and subsection (5) of section 110.123, Florida Statutes, as amended by section 6 of chapter 91-431, Laws of Florida, are amended to read:

110.123 State group insurance program.—

(2) DEFINITIONS.—As used in this section, ~~unless the context otherwise requires~~, the term:

(a) "Department" means the Department of *Management Services Administration*.

(b) "Enrollee" means all state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees enrolled in an insurance plan offered by the state group insurance program.

(c) "Full-time state employees" includes all full-time employees of all branches or agencies of state government holding salaried positions and

paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts, but in no case shall "state employee" or "salaried position" include persons paid from other-personal-services (OPS) funds.

(d) "Health maintenance organization" or "HMO" means an entity certified under part I of chapter 641.

(e) "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations or from agency funds, and who is employed for less than the normal full-time work week established by the department or, if on academic contract or seasonal or other type of employment which is less than year-round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include a person paid from other-personal-services (OPS) funds.

(f) "Retired state officer or employee" or "retiree" means any state officer or state employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state office or employment.

(g) "State agency" or "agency" means any branch, department, or agency of state government.

(h) "State group health insurance plan" means the state self-insured health insurance plan offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section.

(i) "State group insurance program" or "programs" means the package of insurance plans offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section, including the state group health insurance plan, health maintenance organization plans, and other plans required or authorized by this section.

(j) "State officer" means any constitutional state officer, any elected state officer paid by state warrant, or any appointed state officer who is commissioned by the Governor and who is paid by state warrant.

(k) "Surviving spouse" means the widow or widower of a deceased state officer, full-time state employee, part-time state employee, or retiree if such widow or widower was covered as a dependent under the state group health insurance plan or a health maintenance organization plan established pursuant to this section at the time of the death of the deceased officer, employee, or retiree. "Surviving spouse" also means any widow or widower who is receiving or eligible to receive a monthly state warrant from a state retirement system as the beneficiary of a state officer, full-time state employee, or retiree who died prior to July 1, 1979. For the purposes of this section, any such widow or widower shall cease to be a surviving spouse upon his or her remarriage.

### (3) STATE GROUP INSURANCE PROGRAM.—

(a) It is the intent of the Legislature to offer a comprehensive package of health insurance benefits for state employees which are provided in a cost-efficient and prudent manner, and to allow state employees the option to choose benefit plans which best suit their individual needs. Therefore, the state group insurance program is established which may include the state group health insurance plan, health maintenance organization plans, group life insurance plans, group accidental death and dismemberment plans, and group disability insurance plans. Furthermore, the department of *Administration* is additionally authorized to establish and provide as part of the state group insurance program any other group insurance plans which are consistent with the provisions of this section.

(d)1. A person eligible to participate in the state group health insurance plan may be authorized by rules adopted by the department of *Administration*, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The department of ~~Administration~~ shall contract with health maintenance organizations to participate in the state group insurance program through a request for proposal based upon a premium and a minimum benefit package as follows:

a. The department shall establish a minimum benefit package to be provided by a participating HMO which shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO.

b. The department may establish a uniform schedule for deductibles and copayments for all participating HMOs.

c. Based upon the minimum benefit package and copayments and deductibles contained in sub-subparagraphs a. and b., the department shall issue a request for proposal for all HMOs which are interested in participating in the state group insurance program. Upon receipt of all proposals, the department may, as it deems appropriate, enter into contract negotiations with HMOs submitting bids. As part of the request for proposal process, the department may require detailed financial data from each HMO which participates in the bidding process for the purpose of determining the financial stability of the HMO.

d. In determining which HMOs to contract with, the department shall, at a minimum, consider: each proposed contractor's previous experience and expertise in providing prepaid health benefits; each proposed contractor's historical experience in enrolling and providing health care services to participants in the state group insurance program; the cost of the premiums; the plan's ability to adequately provide service coverage and administrative support services as determined by the department; plan benefits in addition to the minimum benefit package; accessibility to providers; and the financial solvency of the plan. Nothing shall preclude the department from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the department determines the plan has the best overall benefit package for the service areas involved. However, no HMO shall be eligible for a contract if the HMO's retiree Medicare premium exceeds the retiree rate as set by the department for the state group health insurance plan.

e. The department may limit the number of HMOs that it contracts with in each service area based on the nature of the bids it receives, the number of state employees in the service area, and any unique geographical characteristics of the service area. The department shall establish by rule service areas throughout the state.

f. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The department is authorized to negotiate and contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to legislative approval pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums. A report shall be submitted to the Legislature by February 1, 1990, regarding establishment of any regional plan and its effect on the State Group Health Trust Fund.

4. In addition to contracting pursuant to subparagraph 2., the department shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health and Human Services excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a. through d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. Any HMO participating in the state group insurance program shall, upon the request of the department, submit to the department standardized data for the purpose of comparison of the appropriateness, quality, and efficiency of care provided by the HMO. Such standardized data shall include: membership profiles; inpatient and outpatient utilization by age and sex, type of service, provider type, and facility; and emergency care experience. Requirements and timetables for submission of such standardized data and such other data as the department deems necessary to evaluate the performance of participating HMOs shall be promulgated by rule.

7. The department of ~~Administration~~ shall, after consultation with representatives from each of the unions representing state and university employees, establish a comprehensive package of insurance benefits including, but not limited to, supplemental health and life coverage, dental care, and vision care to allow state employees the option to choose the benefit plans which best suit their individual needs.

a. Based upon a desired benefit package, the department of ~~Administration~~ shall issue a request for proposal for insurance providers interested in participating in the State Group Insurance Program. Upon receipt of all proposals, the department may, as it deems appropriate, enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the department of ~~Administration~~ in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

(4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

(f) Pursuant to the request of each state officer, full-time or part-time state employee, or retiree participating in the state group insurance program, and upon certification of the employing agency approved by the ~~Executive Director Secretary of the Department of Management Services Administration~~, the Comptroller shall deduct from the salary or retirement warrant payable to each participant the amount so certified and shall handle such deductions in accordance with rules established by the ~~department Secretary of Administration~~.

(5) **DEPARTMENT OF MANAGEMENT SERVICES ADMINISTRATION; POWERS AND DUTIES.**—The *Department of Management Services* is ~~Secretary of Administration~~ shall be responsible for the administration of the state group insurance program. The department of ~~Administration~~ shall initiate and supervise the program as established by this section and shall ~~adopt~~ promulgate such rules as are necessary to perform its responsibilities. To implement this program, the department shall, with prior legislative approval:

(a) Determine the benefits to be provided and the contributions to be required for the state group insurance program. Such determinations, whether for a contracted plan or a self-insurance plan pursuant to paragraph (c), do not constitute rules within the meaning of s. 120.52(16) or orders within the meaning of s. 120.52(11). Any physician's fee schedule used in the health and accident plan shall not be available for inspection or copying by medical providers or other persons not involved in the administration of the program. However, in the determination of the design of the program, the department shall consider existing and complementary benefits provided by the Florida Retirement System and the Social Security System.

(b) Prepare, in cooperation with the Department of Insurance, the specifications necessary to implement the program.

(c) Contract on a competitive proposal basis with an insurance carrier or carriers, or professional administrator, determined by the Department of Insurance to be fully qualified, financially sound, and capable of meeting all servicing requirements. Alternatively, the Department of *Management Services Administration* may self-insure any plan or plans contained in the state group insurance program subject to approval based on actuarial soundness by the Department of Insurance. The department may contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such plan. Before entering into any contract, the Department of *Management Services Administration* shall advertise for competitive proposals, and such contract shall be let upon the consideration of the benefits provided in relationship to the cost of such benefits. The department may contract for medical services which will improve the health or reduce medical costs for employees who participate in the state group insurance plan.

(d) With respect to the state group health insurance plan, be authorized to require copayments with respect to all providers under the plan.

(e) Have authority to establish a voluntary program for comprehensive health maintenance, which may include health educational components and health appraisals.

Final decisions concerning the existence of coverage or benefits under the state group health insurance plan shall not be delegated or deemed to have been delegated by the department.

Section 19. Section 110.1231, Florida Statutes, is amended to read:

110.1231 Health care insurance for persons retired under state-administered retirement systems before January 1, 1976, and their surviving spouses.—The Division of Retirement of the Department of *Management Services Administration* may contract with a private health insurance carrier or the Social Security Administration or any other federal agency to provide health care coverage for persons who retired before January 1, 1976, under any of the state-administered retirement systems and for the surviving spouses of such persons not covered by social security.

Section 20. Section 110.1232, Florida Statutes, is amended to read:

110.1232 Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses.—Notwithstanding any provisions of law to the contrary, or the provisions of s. 110.1231, the Department of *Management Services Administration* shall provide health insurance coverage in the State Group Health Insurance Plan for persons who retired prior to January 1, 1976, under any of the state-administered retirement systems and who are not covered by Social Security and for the spouses and surviving spouses of such retirees who are also not covered by Social Security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 110.123. The claims experience of this group shall be commingled with the claims experience of other members covered under s. 110.123.

Section 21. Section 110.1234, Florida Statutes, is amended to read:

110.1234 Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage.—

(1) The Department of *Management Services Administration* shall solicit competitive bids from state-licensed insurance companies to provide and administer a fully insured Medicare supplement policy for all eligible retirees of a state or local public employer. Such Medicare supplement policy shall meet the provisions of ss. 627.671-627.675. For the purpose of this subsection, "eligible retiree" means any public employee who retired from a state or local public employer who is covered by Medicare, Parts A and B. The department of ~~Administration~~ shall authorize one company to offer the Medicare supplement coverage to all eligible retirees. All premiums shall be paid by the retiree.

(2) The Department of *Management Services Administration* shall solicit competitive bids from state-licensed insurance companies to provide and administer fully insured health insurance coverage for all public employees who retired from a state or local public employer who are not covered by Medicare, Parts A and B. The department of ~~Administration~~ may authorize one company to offer such coverage if the proposed benefits and premiums are reasonable. If such coverage is authorized, all premiums shall be paid for by the retiree.

Section 22. Subsection (1) of section 110.1245, Florida Statutes, is amended to read:

110.1245 Meritorious service awards program.—

(1) The Department of *Management Services Administration* shall adopt, promote, and implement a program of meritorious service awards to employees who:

(a) Propose procedures or ideas which are adopted and which will result in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or

(b) By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.

Every state agency, unless otherwise provided by law, shall participate in the program. The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed the greater of \$2,000 or 10 percent of the first year's actual savings or actual revenue increase, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000. An agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award shall not exceed \$50.

Section 23. Section 110.1246, Florida Statutes, is amended to read:

110.1246 Lump-sum bonus payments.—The Department of *Management Services Administration* may, by rule, authorize an agency head to approve a lump-sum bonus payment to reward outstanding employees whose performance exceeds standards. Such bonus payment shall be outside of the employee's regular base rate of pay and shall not carry over into subsequent years.

Section 24. Section 110.125, Florida Statutes, is amended to read:

110.125 Administrative costs.—The administrative expenses and costs of operating the personnel program established by this chapter shall be paid by the various agencies of the state government, and each such agency shall include in its budget estimates its pro rata share of such cost as determined by the Department of *Management Services Administration*. To establish an equitable division of the costs, the amount to be paid by each agency shall be determined in such proportion as the service

rendered to each agency bears to the total service rendered under the provisions of this chapter. The amounts paid to the Department of *Management Services Administration* which are attributable to positions within the Senior Management Service and the Selected Professional Service shall be used for the administration of such services, training activities for positions within those services, and the development and implementation of a data base of pertinent historical information on exempt positions. Should any state agency become more than 90 days delinquent in payment of this obligation, the department shall certify to the Comptroller the amount due and the Comptroller shall transfer the amount due to the department from any debtor agency funds available.

Section 25. Subsection (7) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(7) The Department of *Management Services Administration* shall annually assess agencies for the regulation of other personal services on a pro rata share basis not to exceed an amount as provided in the General Appropriations Act.

Section 26. Section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' child care services.—

(1) The Department of *Management Services Administration* shall approve, administer, and coordinate child care services for state officers' and employees' children or dependents. Duties shall include, but not be limited to, reviewing and approving requests from state agencies for child care services; providing technical assistance on child care program start-up and operation; and assisting other agencies in conducting needs-assessments, designing centers, and selecting service providers. Primary emphasis for child care services shall be given to children who are not subject to compulsory school attendance pursuant to chapter 232, and, to the extent possible, emphasis shall be placed on child care for children aged 2 and under.

(2) Child care programs may be located in state-owned office buildings, educational facilities and institutions, custodial facilities and institutions, and, with the consent of the President of the Senate and the Speaker of the House of Representatives, in buildings or spaces used for legislative activities. In addition, centers may be located in privately owned buildings conveniently located to the place of employment of those officers and employees to be served by the centers. If a child care program is located in a state-owned office building, educational facility or institution, or custodial facility or institution, or in a privately owned building leased by the state, a portion of the service provider's rental fees for child care space may be waived by the sponsoring agency in accordance with the rules of the Department of *Management Services Administration*. The sponsoring state agency may be responsible for the maintenance, utilities, and other operating costs associated with the physical facility of the child care center.

(3) Except as otherwise provided in this section, the cost of child care services shall be offset by fees charged to employees who use the child care services. Requests for proposals may provide for a sliding fee schedule, with fees charged on the basis of the employee's household income.

(4) The provider of proposed child care services shall be selected by competitive contract. Requests for proposals shall be developed with the assistance of, and subject to the approval of, the Department of *Management Services Administration*. Management of the contract with the service provider shall be the responsibility of the sponsoring state agency.

(5) An operator selected to provide services must comply with all state and local standards for the licensure and operation of child care facilities, maintain adequate liability insurance coverage, and assume financial and legal responsibility for the operation of the program. Neither the operator nor any personnel employed by or at a child care facility shall be deemed to be employees of the state. However, the sponsoring state agency may be responsible for the operation of the child care center when:

(a) A second request for proposals fails to procure a qualified service provider; or

(b) The service provider's contract is canceled and attempts to procure another qualified service provider are unsuccessful;

and plans for direct operation are approved by the Department of *Management Services Administration*.

(6) In the areas where the state has an insufficient number of employees to justify a worksite center, a state agency may join in a consortium arrangement with other public employers to provide child care services.

(7) The State Employee Child Care Revolving Trust Fund is hereby reestablished in the Department of *Management Services Administration*.

(8) The Department of *Management Services Administration* may adopt any rules necessary to achieve the purposes of this section.

Section 27. Section 110.1522, Florida Statutes, is amended to read:

110.1522 Model rule establishing family support personnel policies.—The Department of *Management Services Administration* shall develop a model rule establishing family support personnel policies for all executive branch agencies, excluding the State University System. "Family support personnel policies," for purposes of ss. 110.1521-110.1524, means personnel policies affecting employees' ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity or paternity leave for employees with a newborn or newly adopted child, and paid and unpaid family or administrative leave for family responsibilities.

Section 28. Subsections (5), (6), and (7) of section 110.161, Florida Statutes, are amended to read:

110.161 State employees; pretax benefits program.—

(5) The Department of *Management Services Administration* shall develop rules for the pretax benefits program, which shall specify the benefits to be offered under the program, the continuing tax-exempt status of the program, and any other matters deemed necessary by the department to implement this section. The rules must be approved by a majority vote of the Administration Commission.

(6) The Department of *Management Services Administration* is authorized to establish a pretax benefits program for all employees whereby employees would receive benefits which are not includable in gross income under the Internal Revenue Code of 1986. The pretax benefits program shall be implemented in phases. Phase one shall allow employee contributions to premiums for the state health program and state life insurance to be paid on a pretax basis unless an employee elects not to participate. Phase two shall allow employees to voluntarily establish expense reimbursement plans from their salaries on a pretax basis to pay for qualified medical and dependent care expenses, including premiums paid by employees for qualified supplemental insurance. Phase two may also provide for the payment of such premiums through a pretax payroll procedure as used in phase one. The Administration Commission and the Department of *Management Services Administration* are directed to take all actions necessary to preserve the tax-exempt status of the program.

(7) The Legislature recognizes that a substantial amount of the employer savings realized by the implementation of a pretax benefits program will be the result of diminutions in the state's employer contribution to the Federal Insurance Contributions Act tax. There is hereby created the Pretax Benefits Trust Fund in the Department of *Management Services Administration*. Each agency shall transfer to the Pretax Benefits Trust Fund the employer FICA contributions saved by the state as a result of the implementation of the pretax benefits program authorized pursuant to this section. Any moneys forfeited pursuant to employees' salary reduction agreements to participate in phase one or phase two of the program must also be deposited in the Pretax Benefits Trust Fund. Moneys in the Pretax Benefits Trust Fund shall be used for the pretax benefits program, including its administration by the Department of *Management Services Administration* or a third-party administrator.

Section 29. Subsection (2) of section 110.171, Florida Statutes, is amended to read:

110.171 Definitions.—As used in this act, the term:

(2) "Department" means the Department of *Management Services Administration* as created by s. 20.31.

Section 30. Paragraph (d) of subsection (2) and subsections (4) and (6) of section 110.205, Florida Statutes, as amended by section 9 of chapter 91-431, Laws of Florida, are amended to read:

110.205 Career service; exemptions.—

(2) **EXEMPT POSITIONS.**—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(d) All officers and employees of the State University System and the Correctional Education School Authority, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. In accordance with the provisions of chapter 242, the salaries for all instructional personnel of the Correctional Education School Authority shall be set by the Director of Correctional Education, subject only to the approval of the Board of Correctional Education and the State Board of Education. In accordance with chapter 242, the salaries for all administrative and noninstructional personnel of the Correctional Education School Authority shall be set by the Director of Correctional Education, subject only to the approval of the Department of *Management Services Administration*.

(4) **DEFINITION OF DEPARTMENT.**—When used in this section, the term "department" shall mean all departments and commissions of the executive branch, whether created by the State Constitution or chapter 20; the office of the Governor; and the Public Service Commission; however, the term "department" shall mean the Department of *Management Services Administration* when used in the context of the authority to establish salary ranges and benefits.

(6) **EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM, DEPARTMENT OF INSURANCE.**—In addition to those positions exempted from part II of chapter 110, there is hereby exempted from the Career Service System the chief inspector of the boiler inspection program of the Department of Insurance. The salary range of this position shall be established by the Department of *Management Services Administration* in accordance with the classification and pay plan established for the Selected Exempt Service.

Section 31. Section 110.2135, Florida Statutes, is amended to read:

110.2135 Exemption from examination and hiring procedures; eligible disabled veterans; probationary employment.—

(1) An honorably discharged veteran who has wartime service as specified in s. 1.01(14), who has a service-connected disability rated at 30 percent or more by the Veterans Administration or the Armed Services of the United States, and who is a legal resident of this state may be employed by a state agency in a competitive or noncompetitive position and is exempt from entrance examination requirements and hiring procedures administered by the Department of *Management Services Administration* as long as the veteran meets the minimum eligibility requirements for the particular position, or the veteran has been certified by vocational rehabilitation as an appropriate candidate for the position.

(2) A disabled veteran employed under the provisions of subsection (1) shall be appointed for a probationary period of 1 year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will acquire permanent employment status and will be subject to the employment rules of the Department of *Management Services Administration* and the veteran's employing agency.

Section 32. Paragraph (a) of subsection (3) and subsection (4) of section 110.215, Florida Statutes, are amended to read:

110.215 Examinations administered to blind and deaf persons; penalties.—

(3)(a) The Department of *Management Services Administration*, with respect to all competitive examinations administered by it or any other agency to applicants for employment within the State Career Service System, shall adapt such examinations so that blind or deaf persons taking any such examinations can compete more equitably with sighted or hearing persons taking the examinations. The modifications or adaptations required by this subsection shall include, but not be limited to:

1. The provision of at least 50 percent more time to complete the examination for the blind or deaf person taking the examination, to allow for the slowness of readers or interpreters.

2. Competent reader service provided by the agency or by the appropriate blind services agency of the Department of Education or certified interpreter service provided by the agency or by the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, at no expense to the blind person taking the examination.

3. The exclusion from the examination of graphs, charts, tables, and questions which might, per se, be unfamiliar to a blind person or would be difficult for a blind person to interpret because of his blindness, such as, for example, estimating distances visually.

(4) The examination modifications and adaptations required under the provisions of this section shall be accomplished in consultation with the appropriate blind services agency of the Department of Education or the Office of Vocational Rehabilitation of the Department of Health and Rehabilitative Services and may be accomplished in consultation with the United States Civil Service Commission for utilization of current research findings. Rules promulgated pursuant to this section shall be jointly formulated by the Department of *Management Services Administration* and the Department of Education.

Section 33. Paragraph (a) of subsection (3) of section 110.227, Florida Statutes, as amended by section 17 of chapter 91-431, Laws of Florida, is amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, and transfers.—

(3)(a) When a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of *Management Services Administration*. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.

Section 34. Paragraph (a) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the state. However, when authorized by his agency head and approved by the Department of *Management Services Administration* as involving no interest which conflicts or activity which interferes with his state employment, an employee in the career service may be a candidate for or hold local public office. The Department of *Management Services Administration* shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 35. Section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of *Management Services Administration*.—

(1) In order to implement the purposes of this part, the Department of *Management Services Administration*, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 0.5-5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.



(b) A performance appraisal system which shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance. The Department of Management Services shall establish and implement recruiting procedures which ensure that vacancies are advertised or otherwise publicized outside the hiring agency.

(d) A system of rating duties and responsibilities for positions within the Senior Management Service and the qualifications of candidates for those positions.

(e) A program providing for periodic rotation of executive branch supervisory personnel into primary task or direct client contact positions within their unit of government. These assignments shall be of sufficient duration and variety so as to provide supervisors direct experience with actual performance of the duties of subordinates.

(f) A system for documenting actions taken on agency requests for approval of position exemptions and special pay increases.

(g) Requirements regarding recordkeeping by agencies with respect to Senior Management Service positions. Such records shall be audited periodically by the Department of Management Services to determine agency compliance with the provisions of this part and the rules of the Department of Management Services.

(h) Other procedures relating to personnel administration to carry out the purposes of this part.

(i) A program of affirmative and positive action that will ensure full utilization of women and minorities in Senior Management Service positions.

(2) The powers, duties, and functions of the Department of Management Services shall include responsibility for the policy administration of the Senior Management Service. ~~However, any action of the department relative to a position in a department headed by a Cabinet officer or a department headed by the Governor and Cabinet may be reviewed by the Administration Commission, and the decision of the department may be changed by a majority vote of the Administration Commission.~~

(3) The Department of Management Services shall have the following additional responsibilities:

(a) To establish and administer a professional development program which shall provide for the systematic development of managerial, executive, or administrative skills.

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the Department of Management Services Administration sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The Department of Management Services shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. The Department of Management Services shall make the rules required pursuant to this paragraph in such a manner as to comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the Department of Management Services regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The Department of Management Services shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 36. Section 110.405, Florida Statutes, is amended to read:

110.405 Advisory committees.—The Executive Director Secretary of the Department of Management Services ~~the department~~ may at any time appoint an ad hoc or continuing advisory committee consisting of members of the Senior Management Service or other persons knowledgeable in the field of personnel management. Any such committee shall consist of not more than nine members, who shall serve at the pleasure and meet at the call of the executive director secretary, to advise and consult with ~~him the secretary~~ on such matters affecting the Senior Management Service as ~~he the secretary~~ requests. Members shall serve without compensation, but shall be entitled to receive reimbursement for travel expenses as provided in s. 112.061. The executive director secretary may periodically hire a consultant with expertise in personnel management to advise him with respect to the administration of the Senior Management Service.

Section 37. Section 110.406, Florida Statutes, is amended to read:

110.406 Senior Management Service annual report.—

(1) The executive director secretary shall, no later than March 1 of each year, furnish to the President of the Senate and the Speaker of the House of Representatives a report regarding the administration of the Senior Management Service.

(2) The annual report required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of s. 110.403.

(b) Any recommendations and proposals for legislation which the department has ~~secretary may have~~ with respect to improving the operation and administration of the Senior Management Service.

(c) In addition, in each even-numbered year, the annual report shall also be furnished to the Executive Office of the Governor and shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Senior Management Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Senior Management Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Senior Management Service, indicating the mean salary for each classification within the Senior Management Service and the deviation from such mean with respect to each agency's salary practice in each classification; a review of the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and an opinion as to whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Senior Management Service.

(3) To assist in the preparation of the report required by this section, the executive director secretary may hire a consultant with expertise in the field of personnel management and may use the services of the advisory committee authorized in s. 110.405.

Section 38. Subsection (1) of section 110.407, Florida Statutes, is amended to read:

110.407 Performance audit of Senior Management Service.—

(1) The Auditor General shall ~~biennially, on a biennial basis,~~ conduct a performance audit of the Senior Management Service to determine whether the practices and procedures of the Department of Management Services Administration comply with the provisions of this part and with sound principles of personnel management. The audit required by this section shall be completed and the report of such audit furnished to the President of the Senate and the Speaker of the House of Representatives no later than January 1 of each odd-numbered year.

Section 39. Subsection (6) of section 110.503, Florida Statutes, is amended to read:

110.503 Responsibilities of departments and agencies.—Each department or agency utilizing the services of volunteers shall:

(6) Recognize prior volunteer service as partial fulfillment of state employment requirements for training and experience pursuant to rules adopted by the Department of Management Services Administration.

Section 40. Subsection (6) of section 110.605, Florida Statutes, is amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(6) The *executive director* ~~secretary~~ may periodically hire a consultant with expertise in personnel management to advise him with respect to the administration of the Selected Exempt Service.

Section 41. Section 110.606, Florida Statutes, is amended to read:

110.606 Selected Exempt Service annual report.—

(1) The *executive director* ~~secretary~~ shall, no later than March 1 of each year, furnish to the President of the Senate and the Speaker of the House of Representatives a report regarding the administration of the Selected Exempt Service.

(2) The annual report required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of this part.

(b) Any recommendations and proposals for legislation which the *department* has ~~secretary may have~~ with respect to improving the operation and administration of the Selected Exempt Service.

(c) In addition, in each even-numbered year, the annual report shall also be furnished to the Executive Office of the Governor and shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

(3) To assist in the preparation of the report required by this section, the *executive director* ~~secretary~~ may hire a consultant with expertise in the field of personnel management.

Section 42. Subsection (1) of section 110.607, Florida Statutes, is amended to read:

110.607 Performance audit of Selected Exempt Service.—

(1) The Auditor General shall, on a biennial basis, conduct a performance audit of the Selected Exempt Service to determine whether the practices and procedures of the Department of Management Services Administration comply with the provisions of this part and with sound principles of personnel management. The audit required by this section shall be completed and the report of such audit furnished to the President of the Senate and the Speaker of the House of Representatives no later than January 1 of each odd-numbered year.

Section 43. Paragraph (b) of subsection (13) of section 112.0455, Florida Statutes, is amended to read:

112.0455 Drug-Free Workplace Act.—

(13) RULES.—

(b) The Department of Management Services Administration is hereby authorized to *adopt promulgate* rules for all executive branch agencies implementing this section.

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

Section 44. Paragraph (b) of subsection (2) and subsections (5) and (6) of section 112.08, Florida Statutes, are amended to read:

112.08 Group insurance for public officers, employees, and certain volunteers; physical examinations.—

(2)

(b) In order to obtain approval from the Department of Insurance of any self-insured plan for health, accident, and hospitalization coverage, each local governmental unit or consortium shall submit its plan along with a certification as to the actuarial soundness of the plan, which certification is prepared by an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries. The Department of Insurance shall not approve the plan unless it determines that the plan is designed to provide sufficient revenues to pay current and future liabilities, as determined according to generally accepted actuarial principles. After implementation of an approved plan, each local governmental unit or consortium shall annually submit to the Department of Insurance a report which includes a statement prepared by an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries as to the actuarial soundness of the plan. The report is due 90 days after the close of the fiscal year of the plan. The report shall consist of, but is not limited to:

1. The adequacy of contribution rates in meeting the level of benefits provided and the changes, if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate to enable payment of the benefit amounts provided under the plan and a valuation of present assets, based on statement value, and prospective assets and liabilities of the plan and the extent of any unfunded accrued liabilities.

2. A plan to amortize any unfunded liabilities and a description of actions taken to reduce unfunded liabilities.

3. A description and explanation of actuarial assumptions.

4. A schedule illustrating the amortization of any unfunded liabilities.

5. A comparative review illustrating the level of funds available to the plan from rates, investment income, and other sources realized over the period covered by the report with the assumptions used.

6. A statement by the actuary that the report is complete and accurate and that in his opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this subsection.

7. Other factors or statements as required by the Department of Insurance in order to determine the actuarial soundness of the plan.

All assumptions used in the report shall be based on recognized actuarial principles acceptable to the Department of Insurance. The Department of Insurance shall review the report and shall notify the administrator of the plan and each entity participating in the plan, as identified by the administrator, of any actuarial deficiencies. Each local governmental unit is responsible for payment of valid claims of its employees that are not paid within 60 days after receipt by the plan administrator or consortium.

(5) The Department of Management Services Administration shall initiate and supervise a group insurance program providing death and disability benefits for active members of the Florida Highway Patrol Auxiliary, with coverage beginning July 1, 1978, and purchased from state funds appropriated for that purpose. The Department of Management Services Administration, in cooperation with the Department of Insurance and the Division of Purchasing of the Department of General Services, shall prepare specifications necessary to implement the program, and the Department of Management Services Administration shall receive bids and award the contract in accordance with general law.

(6) The Department of Insurance is authorized to *adopt promulgate* rules to carry out the provisions of this section as they pertain to its duties.

Section 45. Section 112.0804, Florida Statutes, is amended to read:

112.0804 Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage.—

(1) The Department of Management Services Administration shall solicit competitive bids from state-licensed insurance companies to provide and administer a fully insured Medicare supplement policy for all eligible retirees of a state or local public employer. Such Medicare supplement policy shall meet the provisions of ss. 627.671-627.675. For the purpose of this subsection, "eligible retiree" means any public employee who retired from a state or local public employer who is covered by Medicare, Parts A and B. The Department of Management Services Administration shall authorize one company to offer the Medicare supplement coverage to all eligible retirees. All premiums shall be paid by the retiree.

(2) The Department of *Management Services Administration* shall solicit competitive bids from state-licensed insurance companies to provide and administer fully insured health insurance coverage for all public employees who retired from a state or local public employer who are not covered by Medicare, Parts A and B. The Department of *Management Services Administration* may authorize one company to offer such coverage if the proposed benefits and premiums are reasonable. If such coverage is authorized, all premiums shall be paid for by the retiree.

Section 46. Subsection (1) and paragraph (a) of subsection (3) of section 112.24, Florida Statutes, are amended to read:

112.24 Intergovernmental transfer and interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with the Federal Government, with another state, with another municipality or political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with the Federal Government, with another state, with a municipality or political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(1) Details of an employee interchange program shall be the subject of an agreement, which may be extended or modified, between a sending party and a receiving party. State agencies shall report such agreements and any extensions or modifications thereto to the Department of *Management Services Administration*.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(a) An employee of a sending party who is participating in an interchange agreement may be considered as on detail to regular work assignments of the sending party or in a leave status from the sending party except that the receiving agency shall pay the salary and benefits of such employee during the time, in excess of 1 week, that the employee is working for the receiving agency. *However, an employee of a sending party who is participating in an interchange agreement pursuant to s 10 of chapter 91-429, Laws of Florida, shall be considered as on detail to regular work assignments of the sending party, and the sending party shall reimburse the receiving agency for the salary and benefits and expenses of such employee and any other direct costs of conducting the inspections during the time the employee is working for the receiving agency.*

1. If on detail, an employee shall receive the same salary and benefits as if he were not on detail and he shall remain the employee of the sending party for all purposes except that supervision during the period of detail may be governed by the interchange agreement.

2. If on leave, an employee shall have the same rights, benefits, and obligations as other employees in a leave status subject to exceptions provided in rules for state employees issued by the department or the rules or other decisions of the governing body of the municipality or political subdivision.

Section 47. Paragraph (d) of subsection (4) of section 112.3173, Florida Statutes, is amended to read:

112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.—

(4) NOTICE.—

(d) The Commission on Ethics shall forward any notice and any other document received by it pursuant to this subsection to the governing body of the public retirement system of which the public officer or employee is a member or from which the public officer or employee may be entitled to receive a benefit. When called on by the Commission on Ethics, the Division of Retirement of the Department of *Management Services Administration* shall assist the commission in identifying the appropriate public retirement system.

Section 48. Subsection (7) of section 112.352, Florida Statutes, is amended to read:

112.352 Definitions.—The following words and phrases as used in this act shall have the following meaning unless a different meaning is required by the context:

(7) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 49. Paragraph (g) of subsection (2) of section 112.361, Florida Statutes, is amended to read:

112.361 Additional and updated supplemental retirement benefits.—

(2) DEFINITIONS.—As used in this section, unless a different meaning is required by the context:

(g) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 50. Subsections (4) and (7) of section 112.363, Florida Statutes, are amended to read:

112.363 Retiree health insurance subsidy.—

(4) PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.—Beginning January 1, 1988, any monthly retiree health insurance subsidy amount due and payable under this section shall be paid to retired members by the Division of Retirement of the Department of *Administration* or under the direction and control of the division.

(7) ADMINISTRATION OF SYSTEM.—The Division of Retirement of the Department of *Administration* may adopt such rules and regulations as are necessary for the effective and efficient administration of this section. The cost of administration shall be appropriated from the trust fund.

Section 51. Subsection (2) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(2) The frequency of actuarial reports shall be at least every 3 years commencing from the last actuarial report of the plan or system or October 1, 1980, if no actuarial report has been issued within the 3-year period prior to October 1, 1979. The results of each actuarial report shall be filed with the plan administrator within 60 days of certification. Thereafter, the results of each actuarial report shall be made available for inspection upon request. Additionally, each retirement system or plan covered by this act which is not administered directly by the Department of *Management Services Administration* through the Division of Retirement shall furnish a copy of each actuarial report to the Division of Retirement within 60 days of receipt from the actuary.

Section 52. Subsection (1) of section 112.665, Florida Statutes, is amended to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of *Management Services Administration* shall:

(a) Gather, catalog, and maintain complete, computerized data information on all public employee retirement systems or plans in the state, based upon a review of audits, reports, and other data pertaining to the systems or plans;

(b) Receive and comment upon all actuarial reviews of retirement systems or plans maintained by units of local government;

(c) Cooperate with local retirement systems or plans on matters of mutual concern and provide technical assistance to units of local government in the assessment and revision of retirement systems or plans;

(d) Issue, by January 1 annually, a report to the President of the Senate and the Speaker of the House of Representatives, which report details division activities, findings, and recommendations concerning all governmental retirement systems. The report may include legislation proposed to carry out such recommendations;

(e) Issue, by January 1 annually, a report to the Special District Information Program of the Department of Community Affairs that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions as specified in chapter 121; and

(f) Adopt reasonable rules to administer the provisions of this part.

Section 53. Subsection (6) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(6) "Division" means the Division of Administrative Hearings of the ~~Department of Administration~~.

Section 54. Subsections (1) and (2) of section 120.65, Florida Statutes, are amended to read:

120.65 Hearing officers.—

(1) There is hereby created the Division of Administrative Hearings within the Department of ~~Management Services Administration~~ to be headed by a director who shall be appointed by the Administration Commission and confirmed by the Senate. The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of ~~Management Services Administration~~ shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of ~~Management Services Administration~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The director has the right to appeal actions by the Executive Office of the Governor that affect amendments to the division's approved operating budget or any personnel actions pursuant to chapter 216 to the Administration Commission, which shall decide such issue by majority vote. The appropriations committees may advise the Administration Commission on the issue. If the President of the Senate and the Speaker of the House of Representatives object in writing to the effects of the appeal, the appeal may be affirmed by the affirmative vote of two-thirds of the commission members present. *The failure of the Executive Office of the Governor to act on a request for action by the director within 21 days after receiving a written request constitutes approval of the request.*

Section 55. Subsections (4) and (32) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(4) "Division" means the Division of Retirement of the Department of ~~Management Services Administration~~.

(32) "State agency" means the Division of Retirement of the Department of ~~Management Services Administration~~ within the provisions and contemplation of chapter 650.

Section 56. Section 121.025, Florida Statutes, is amended to read:

121.025 Administrator; powers and duties.—The director of the Division of Retirement shall be the administrator of the retirement and pension systems assigned or transferred to the Division of Retirement by law and, upon delegation of such authority by the *head of the Department Secretary of Management Services Administration*, shall have the authority to sign the contracts necessary to carry out the duties and responsibilities assigned by law to the Division of Retirement.

Section 57. Subsection (1) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(1) The Department of ~~Management Services Administration~~, through the Division of Retirement, shall make such rules as are necessary for the effective and efficient administration of this system. The funds to pay the expenses for such administration are hereby appropriated from the interest earned on investments made for the retirement and social security trust funds and the assessments allowed under chapter 650.

Section 58. Paragraph (b) of subsection (3) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past service and prior service; retention of special risk normal retirement date.—

(3) PROCEDURE FOR DESIGNATING.—

(b)1. Applying the criteria set forth in this section, the Department of ~~Management Services Administration~~ shall specify which current and newly created classes of positions under the uniform classification plan established pursuant to chapter 110 entitle the incumbents of positions in those classes to membership in the Special Risk Class. Only employees employed in the classes so specified shall be special risk members.

2. When a class is not specified by the department as provided in subparagraph 1., the employing agency may petition the State Retirement Commission for approval in accordance with s. 121.23.

Section 59. Paragraph (a) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)(a) The Department of ~~Management Services Administration~~ shall establish a Senior Management Service Optional Annuity Program under which contracts providing retirement, death, and disability benefits may be purchased for those employees who elect to participate in the optional annuity program. The benefits to be provided for or on behalf of participants in such optional annuity program shall be provided through individual or group annuity contracts, which may be fixed or variable, or a combination thereof. The employing agency shall contribute, as provided in this section, toward the purchase of such optional benefits which shall be fully and immediately vested in the participants.

Section 60. Subsection (5) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(5) Contributions made in accordance with subsections (1), (2), (3), and (4) shall be paid by the employer into the system trust funds in accordance with rules ~~adopted promulgated~~ by the administrator pursuant to chapter 120. Such contributions are due and payable no later than the 25th day of the month immediately following the month during which the payroll period ended. The division may, by rule, establish a different due date, which shall supersede the date specified herein; however, such due date may not be established earlier than the 20th day of the month immediately following the month during which the payroll period ended. Effective January 1, 1984, contributions made in accordance with subsection (3) shall be paid by the employer into the system trust fund in accordance with rules ~~adopted promulgated~~ by the administrator pursuant to chapter 120. For any payroll period ending any day of the month before the 16th day of the month, such contributions are due and payable no later than the 20th day of the month; and, for any payroll periods ending any day of the month after the 15th day of the month, such contributions are due and payable no later than the 5th day of the next month. Contributions received in the offices of the Division of Retirement of the ~~Department of Administration~~ after the prescribed date shall be considered delinquent unless, in the opinion of the division, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding such employer's good-faith efforts to effect delivery; and, with respect to retirement contributions due under subsections (1) and (4), each employer shall be assessed a delinquent fee of 1 percent of the contributions due for each calendar month or part thereof that the contributions are delinquent. Such a waiver of the delinquency fee by the division may be granted an employer only one time each fiscal year. Delinquent social security contributions

shall be assessed a delinquent fee as authorized by s. 650.05(4). The delinquent fee assessable for an employer's first delinquency after July 1, 1984, shall be as specified in s. 650.05(4), and, beginning with the second delinquency in any fiscal year by the employer subsequent to July 1, 1984, all subsequent delinquency fees shall be assessed against the employer at twice the applicable percentage rate specified in s. 650.05(4).

Section 61. Section 121.135, Florida Statutes, is amended to read:

121.135 Annual report to Legislature concerning state-administered retirement systems.—The Department of *Management Services Administration*, through its Division of Retirement, shall make to each regular session of the Legislature a written report on the operation and condition of the state-administered retirement systems.

Section 62. Section 121.136, Florida Statutes, is amended to read:

121.136 Annual benefit statement to members.—Beginning January 1, 1993, and each January thereafter, the Department of *Management Services Administration*, through its Division of Retirement, shall provide each active member of the Florida Retirement System with 5 or more years of creditable service an annual statement of benefits. Such statement should provide the member with basic data about the member's retirement account. Minimally, it shall include the member's retirement plan, the amount of funds on deposit in his retirement account, and an estimate of retirement benefits.

Section 63. Subsection (1) and paragraph (c) of subsection (2) of section 121.35, Florida Statutes, are amended to read:

121.35 Optional retirement program for the State University System.—

(1) **OPTIONAL RETIREMENT PROGRAM ESTABLISHED.**—The Division of Retirement of the Department of *Management Services Administration* shall establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for eligible members of the State University System who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through individual or group annuity contracts, which may be fixed or variable in nature, or a combination thereof. The state shall contribute, as provided in this section, toward the purchase of such optional benefits which shall be fully and immediately vested in the participants.

(2) **ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.**—

(c) For purposes of this section, the Division of Retirement of the Department of *Management Services Administration* is referred to as the "division."

Section 64. Paragraph (b) of subsection (3) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(3) **DEFINITIONS.**—The definitions provided in s. 121.021 shall not apply to this section except when specifically cited. For the purposes of this section, the following words or phrases have the respective meanings set forth:

(b) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 65. Subsection (6) of section 122.02, Florida Statutes, is amended to read:

122.02 Definitions.—The following words and phrases as used in this chapter shall have the following meaning unless a different meaning is plainly required by the context:

(6) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 66. Subsection (9) of section 122.03, Florida Statutes, is amended to read:

122.03 Contributions; participants; prior service credit.—

(9) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the direc-

tor of the Division of Retirement of the Department of *Management Services Administration*, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and shall be used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 67. Section 122.09, Florida Statutes, is amended to read:

122.09 Disability retirement; medical examinations.—Whenever any officer or employee of the state or county of the state has service credit as such officer or employee for 10 years within the contemplation of this law, the last 5 years of which, except for a single break not to exceed 1 year, must be continuous, unbroken service and who is regularly contributing to the State and County Officers and Employees' Retirement Trust Fund and shall while holding such office or employment become permanently and totally disabled, physically or mentally, or both, from rendering useful and efficient service as such officer or employee, such officer or employee may retire from his office or employment, and upon such retirement he shall be paid, so long as his permanent and total disability continues, on his own monthly requisition, from the State and County Officers and Employees' Retirement Trust Fund hereinafter established, retirement compensation as provided in s. 122.08; provided that no officer or employee retiring under this section shall receive less than 50 percent of his average final compensation not to exceed \$75, provided further that the minimum benefits shall not apply to an officer or employee who has attained the age of 60 or is receiving disability payments from social security. No officer or employee of the state and county of the state shall be permitted to retire under the provisions of this section until examined by a duly qualified physician or surgeon or board of physicians and surgeons, to be selected by the Governor for that purpose, and found to be disabled in the degree and in the manner specified in this section. Any officer or employee retiring under this section shall be examined periodically by a duly qualified physician or surgeon or board of physicians and surgeons to be selected by the Governor for that purpose and paid from the retirement trust fund herein provided for, at such time as the Department of *Management Services Administration* shall direct to determine if such total disability has continued and in the event it be disclosed by said examination that said total disability has ceased to exist, then such officer or employee shall forthwith cease to be paid benefits under this section. Reference to s. 122.08 is for the purpose of computing benefits only. Any person heretofore retired under this section shall be eligible to qualify for the minimum benefits provided herein; however, minimum benefits shall not be paid retroactively.

Section 68. Section 122.13, Florida Statutes, is amended to read:

122.13 Administration of law; appropriation.—The Division of Retirement of the Department of *Management Services Administration* shall make such rules and regulations as are necessary for the effective administration of this chapter, and the cost is hereby annually appropriated and shall be paid into the State and County Officers and Employees' Retirement Trust Fund out of the Intangible Tax Fund in the State Treasury in the amount necessary to administer efficiently the state and county retirement law. At the end of each fiscal year, beginning with the fiscal year 1959-1960, the administrative cost of the state and county retirement system for the fiscal year just ended shall be refunded to the General Revenue Fund from interest earned on investments made subsequent to June 30, 1959.

Section 69. Section 122.23, Florida Statutes, is amended to read:

122.23 Definitions.—In addition to those definitions set forth in s. 122.02 the following words and phrases used in ss. 122.21-122.24, 122.26 to 122.321, inclusive, shall have the respective meanings set forth unless a different meaning is plainly required by the context:

(1) "System" means—the general retirement system provided by this chapter, with its two divisions.

(2) "Social security coverage" means—old age and survivors insurance as provided by the federal Social Security Act.

(3) "Division" means—the Division of Retirement of the Department of *Management Services Administration*.

(4) "Agreement" means—the modification of that certain agreement entered into October 23, 1951, between the State of Florida and the Secretary of Health, Education and Welfare, pursuant to s. 650.03, which makes available to members of division B of this system the provisions of said agreement.

(5) "State agency" means—Division of Retirement of the Department of *Management Services Administration* within the provisions and contemplation of chapter 650.

Section 70. Paragraph (c) of subsection (1) and subsection (11) of section 122.34, Florida Statutes, are amended to read:

122.34 Special provisions for certain sheriffs and full-time deputy sheriffs.—

(1)

(c) The Division of Retirement of the Department of *Management Services Administration* shall make such rules and regulations as are necessary for the effective administration of the intent of this section.

(11) No high hazard member shall be permitted to receive benefits under this section until examined by a duly qualified physician or surgeon, or board of physicians and surgeons, to be selected by the Governor for that purpose, and found to be disabled in the degree and in the manner specified in this section. At such time as the Department of *Management Services directs Administration* shall direct, any high hazard member receiving disability benefits under this section shall submit to a medical examination to determine if such disability has continued, and the cost of such examination shall be paid from the retirement trust fund herein provided for; and in the event it is declared by said examination that said disability has cleared, such member shall be ordered to return to active duty with the same rank and salary that he had at the time of disability. Any such member who shall fail to return to duty following such order shall forfeit all rights and claims under this law. Every high hazard member retiring under this provision shall be paid so long as his permanent total or partial disability continues, on his own requisition.

Section 71. Subsection (1) of section 123.01, Florida Statutes, is amended to read:

123.01 Supreme Court Justices, District Court of Appeal Judges, and Circuit Judges Retirement System established; divisions.—

(1) A retirement system for Supreme Court justices, district court of appeal judges, and circuit judges of the state is hereby established, which shall be administered by and under the supervision of the Division of Retirement of the Department of *Management Services Administration*.

Section 72. Subsections (2) and (8) of section 123.07, Florida Statutes, are amended to read:

123.07 Reduced retirement benefits with excess to beneficiary.—

(2) Any Supreme Court justice, district court of appeal judge, or circuit judge shall have the right at the time of retirement but prior to receipt of his first monthly installment of retirement compensation to elect to receive a reduced retirement compensation with the provision that if such justice or judge dies after retirement compensation installments have commenced, the excess, if any, of his total contributions made to the retirement trust fund, without interest, over the total retirement compensation received by him shall be paid in accordance with the beneficiary designated in the office of the Division of Retirement of the Department of *Management Services Administration* or, in the absence of such designation to his lawful heirs. The amount of such reduced retirement compensation shall be the actuarial equivalent of the amount of such retirement compensation otherwise payable to him.

(8) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement of the Department of *Management Services Administration*, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and shall be used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 73. Section 123.11, Florida Statutes, is amended to read:

123.11 Death prior to or after retirement; refund or forfeiture of benefits.—Should any justice or judge die before retiring under the provisions of this law, the heirs, legatees, beneficiaries, or personal representatives of such deceased justice or judge of the state shall be entitled to a refund of 100 percent, without interest, of the contributions made to the retirement trust fund by such deceased justice or judge. Any justice or judge may file, in writing, a designation of beneficiary and it shall be the

duty of the Division of Retirement of the Department of *Management Services Administration* to pay the refund provided for herein for the deceased justice or judge to such designated beneficiary. The justice or judge shall have the privilege of changing, in writing, the designated beneficiary at any time. If the deceased justice or judge has received any benefits under this law, no refund shall be made except where this chapter expressly authorizes the same.

Section 74. Section 123.24, Florida Statutes, is amended to read:

123.24 Definitions.—The following words and phrases used in ss. 123.22 to 123.33, inclusive, shall have the respective meanings set forth unless a different meaning is plainly required by the context:

(1) "System" means—the general retirement system provided by this chapter, with its three divisions.

(2) "Social security coverage" means—old age and survivors insurance as provided by the federal Social Security Act.

(3) "Division" means—the Division of Retirement of the Department of *Management Services Administration*.

(4) "Agreement" means—the modification of that certain agreement entered into October 23, 1951, between the State of Florida and the Secretary of Health, Education, and Welfare, pursuant to s. 650.03, which makes available to members of division B of this system the provisions of said agreement.

(5) "State agency" means—the Division of Retirement of the Department of *Management Services Administration* within the provisions and contemplation of chapter 650.

Section 75. Paragraph (a) of subsection (1) of section 123.25, Florida Statutes, is amended to read:

123.25 Membership in division B.—

(1) Supreme Court justices, district courts of appeal judges, and circuit judges may become members of division B of this system in the manner and under circumstances as follows:

(a) A Supreme Court justice, district court of appeal judge, or circuit judge who is a member of this system on July 1, 1963, and prior to execution of the agreement in pursuance of affirmative referendum as herein-after provided, may transfer to division B by electing to do so in writing filed with the Division of Retirement of the Department of *Management Services Administration*. While membership in division B shall date from the filing of such election with the division, for the purposes of contributions to the system and benefits to members under this division, membership in division B shall take effect upon the date of execution of the agreement.

Section 76. Section 123.36, Florida Statutes, is amended to read:

123.36 Definitions.—The following words and phrases used in ss. 123.34 to 123.43, inclusive, shall have the respective meanings set forth unless a different meaning is plainly required by the context:

(1) "System" means—the general retirement system provided by this chapter with its three divisions.

(2) "Social security coverage" means—old age and survivors insurance as provided by the Federal Social Security Act.

(3) "Division" means—the Division of Retirement of the Department of *Management Services Administration*.

Section 77. Section 132.34, Florida Statutes, is amended to read:

132.34 Definitions.—Unless the context clearly indicates a different meaning, as used in ss. 132.33-132.47, the term:

(1) "Average remaining term" means, with respect to any general obligation bonds to be refunded, the product obtained by multiplying the principal amount of such bonds maturing or subject to sinking fund installments in each bond year during the remaining term of such bonds by the number of bond years from the refunding date to each such maturity or sinking fund installment, and dividing the sum of the amounts thus obtained by the aggregate principal amount of such general obligation bonds to be refunded.

(2) "Average term" means, with respect to any issue of general obligation refunding bonds, the product obtained by multiplying the principal



amount of such general obligation refunding bonds maturing or subject to sinking fund installments in each bond year by the term of such general obligation refunding bonds, and dividing the sum of the amounts thus obtained by the aggregate principal amount of such issue of general obligation refunding bonds.

(3) "Bonds" includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidence of indebtedness of any type or character.

(4) "Bond year" means the 1-year period commencing on the date of issuance of any bonds and each 1-year period subsequent thereto.

(5) ~~"Department" means the Department of Administration.~~

(5)(6) "Effective interest rate," with respect to any issue of general obligation bonds or general obligation refunding bonds, means that rate which is equal to the internal rate of return, compounded at the same frequency as moneys are actually paid to bond owners, which equates all future debt service payments to the net proceeds realized by the unit from the issuance of general obligation bonds or general obligation refunding bonds.

(6)(7) "Escrow agent" means the department of any bank or trust company, within or without the state, appointed by the governing body of the unit to hold and invest the proceeds of refunding bonds issued pursuant to s. 132.35.

(7)(8) "Escrow agreement" means an agreement entered into pursuant to s. 132.41 by and between a unit, as defined in s. 132.02, and the escrow agent.

(8)(9) "General obligation bonds" means any bonds which are secured by, or provide for their payment by, the pledge, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the ordinance or resolution authorizing their issuance, of the full faith and credit and taxing power of the county or municipality issuing such bonds and for the payment of which recourse may be had against the general fund of such county or municipality.

(9)(10) "General obligation refunding bonds" means general obligation bonds issued pursuant to s. 132.35 for the purpose of refunding or refinancing all or part of a prior issue or multiple issues of general obligation bonds or general obligation refunding bonds.

(10)(11) "Governing body" means the board or body of a unit vested with the power of determining the amount of the tax levies required for taxing the taxable property of such unit for the purpose of such unit.

(11)(12) "Internal rate of return" means the rate which, when applied to a series of interest and principal payments due at different dates, will result in the determination of a present value which precisely equals the amount received at the time at which bonds are issued.

(12)(13) "Issue" means any bonds which are issued at substantially the same time, are sold pursuant to a common plan of financing, and will be paid out of substantially the same source of funds or will have substantially the same claim to be paid out of substantially the same source of funds.

(13)(14) "Maturity" means the date upon which any general obligation bond or general obligation refunding bond becomes due and payable to the owner thereof.

(14)(15) "Net average interest cost rate" means:

(a) With respect to any general obligation bonds to be refunded, a fraction the numerator of which is the gross amount of interest to be paid from the refunding date through the remaining term of such bonds plus the original issue adjustment, and the denominator of which is the average remaining term of such general obligation bonds multiplied by the aggregate principal amount of such general obligation bonds outstanding on the refunding date; and

(b) With respect to any general obligation refunding bonds, a fraction the numerator of which is the gross amount of interest to be paid during the term of such refunding bonds plus the amount of any discount or minus the amount of any premium paid at the time of sale thereof, and the denominator of which is the average term of the issue of such general obligation refunding bonds multiplied by the aggregate principal amount thereof issued on the refunding date.

(15)(16) "Net proceeds" means the total proceeds of any general obligation refunding bonds issued pursuant to s. 132.35, plus any premium received upon the sale of such general obligation refunding bonds, less the underwriter's discount and all other management fees, costs, expenses, charges, and sales commissions associated with the issuance of such refunding bonds, including, but not limited to, any refunding expenses.

(16)(17) "Original issue adjustment" means the product obtained by multiplying the amount of discount paid or the negative of the amount of premium received on the general obligation bonds to be refunded at the time of their issuance by a fraction, the numerator of which is the aggregate principal amount of general obligation bonds to be refunded on the refunding date and the denominator of which is the aggregate principal amount of the general obligation bonds originally issued, of which the general obligation bonds to be refunded are a part.

(17)(18) "Present value" means the amount computed by discounting the principal and interest payments on both the general obligation refunding bonds and the general obligation bonds to be refunded from the respective maturities, or sinking fund installment dates, thereof to the date of issue of such bonds at a rate equal to the effective interest rate of the refunding bonds.

(18)(19) "Refunding date" means the first date on which interest accrues on any refunding bonds.

(19)(20) "Refunding expenses" means the costs and expenses incidental to the issuance of general obligation refunding bonds, including, but not limited to, the costs and expenses of developing the refunding financial plan; credit enhancement costs and expenses; fees and expenses of consultants, advisors, and counsel; costs and expenses of printing disclosure documents and bonds; initial fees of the escrow agent, payment agent, and bond registrar; and the costs and fees of performing the terms and conditions of the escrow agreement.

(20)(21) "Refunding financial plan" means the financial plan for a refunding as set forth in the refunding bond resolution relating thereto.

(21)(22) "Refunding bond resolution" means a resolution or ordinance authorizing the issuance of refunding bonds adopted pursuant to s. 132.36.

(22)(23) "Remaining term" means, with respect to any general obligation bonds to be refunded, the number of bond years from the refunding date to and including the earlier of the maturity or the sinking fund installment date of such bonds to be refunded.

(23)(24) "Sinking fund installment" means the amount of term bonds subject to mandatory redemption in any bond year prior to the maturity of such term bonds.

(24)(25) "Term" means the number of bond years from the date of issuance of any bond to the date of its maturity, or date of earlier mandatory redemption for a sinking fund installment.

(25)(26) "Term bonds" means bonds maturing in a single bond year which are subject to sinking fund installments prior to their stated maturity.

(26)(27) "Unit" means a county, city, town, special road and bridge district, special tax school district, and any other taxing district in the state.

Section 78. Paragraph (a) of subsection (1) and subsection (2) of section 145.19, Florida Statutes, are amended to read:

145.19 Annual percentage increases based on increase for state career service employees; limitation.—

(1) As used in this section, the term:

(a) "Annual factor" means 1 plus the lesser of:

1. The average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the Department of ~~Management Services Administration~~ or as provided in the General Appropriations Act; or

2. Seven percent.

(2) Each fiscal year, the salaries of all county officers listed in this chapter shall be adjusted by the annual factor. The Department of *Man-*

*agement Services Administration* shall certify the annual factor and the cumulative annual factors. The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter multiplied first by the initial factor, then by the cumulative annual factor, and finally by the annual factor. Any special qualification salary received under this chapter shall be added to such adjusted salary rate, which special qualification salary shall be \$2,000, but shall not exceed \$2,000.

Section 79. Subsection (2) of section 154.04, Florida Statutes, is amended to read:

154.04 Personnel of public health units; duties; compensation.—

(2) The personnel of the public health unit shall be employed by the Department of Health and Rehabilitative Services. The compensation of such personnel shall be determined under the rules of the Division of Personnel Management Services of the Department of *Management Services Administration*. Such employees shall engage in the prevention of disease and the promotion of health under the supervision of the Department of Health and Rehabilitative Services.

Section 80. Paragraph (b) of subsection (9) and paragraph (a) of subsection (10) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or amendment thereto.—

(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

(b) The hearing shall be conducted by a hearing officer of the Division of Administrative Hearings of the Department of *Management Services Administration*, who shall hold the hearing in the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow 10 days for the filing of exceptions to the recommended order and shall issue a final order within 30 days after receipt of the recommended order if the state land planning agency determines that the plan is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit, within 30 days after receipt, the recommended order to the Administration Commission for final agency action.

(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of *Management Services Administration*, which shall conduct a proceeding under s. 120.57 in the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

Section 81. Subsection (5) of section 189.4035, Florida Statutes, is amended to read:

189.4035 Preparation of official list of special districts.—

(5) The first official list of special districts shall be completed by October 1, 1990. Thereafter, the official list of special districts shall be updated by the department annually. The official list of special districts shall be distributed to independent special districts, the Auditor General, the Department of Revenue, the Department of Banking and Finance, the Department of *Management General Services*, the Department of *Administration*, counties, municipalities, county property appraisers, tax collectors, and supervisors of elections.

Section 82. Subsection (2) of section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is hereby created and shall have the following special duties:

(2) Within an appropriate timeframe, the collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the *State Board of Administration Department of General Services*, the Division of Retirement of the Department of *Management Services Administration*, the Division of Ad Valorem Tax of the Department of Revenue, and the Commission on Ethics for the reporting required in ss. 11.45, 112.3144, 112.3145, 112.3148, 112.3149, 112.63, 200.068, 218.32, 218.34, and 218.38 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports shall consist of a list of special districts used in that state agency and information indicating which special districts did not comply with the reporting statutorily required by that agency.

Section 83. Subsection (3) of section 189.421, Florida Statutes, is amended to read:

189.421 Failure of district to disclose financial reports.—

(3) If the department determines that a good faith effort has not been made to file the report or that a reasonable time has passed and the reports have not been forthcoming, it may file a petition for hearing, pursuant to s. 120.57, on the question of the inactivity of the district. The proceedings and hearings required by ss. 189.416-189.422 shall be conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of *Management Services Administration* and shall be governed by the provisions of the Administrative Procedure Act. Such hearing shall be held in the county in which the district is located, pursuant to all the applicable provisions of chapter 120. Notice of the hearing shall be served on the district's registered agent and published at least once a week for 2 successive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice shall state the time, place, and nature of the hearing and that all interested parties may appear and be heard. Within 30 days of the hearing, the hearing officer shall file his report with the department in the manner provided in chapter 120.

Section 84. Subsection (1) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(1) The division under the applicable rules of the Department of *Management Services Administration* shall have the power to employ such employees and assistants and incur such other expenses as may be necessary for the administration of this part, within the limits of an appropriation for the operation of the Department of Business Regulation as may be authorized by the General Appropriations Act.

Section 85. Subsection (1) of section 210.75, Florida Statutes, is amended to read:

210.75 Administration.—

(1) The division, under the applicable rules of the Department of *Management Services Administration*, shall have the power to employ such employees and assistants and to incur such other expenses as may be necessary for the administration of this part within the limits of an appropriation for the operation of the Department of Business Regulation as may be authorized by the General Appropriations Act.

Section 86. Section 215.425, Florida Statutes, is amended to read:

215.425 Extra compensation claims prohibited.—No extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made; nor shall any money be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by bill passed by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1 of that fiscal year. The provisions of this section do not apply to extra compensation given to state employees who are included within the senior management group pursuant to rules adopted by the Department of *Management Services Administration*.

Section 87. Subsection (2) of section 215.515, Florida Statutes, is amended to read:

215.515 Investment accounts; charges for services.—

(2) The charges established and any revisions thereof shall be reviewed by the Department of *Management Services Administration*. The review, and any recommendations of the Department of *Management Services Administration* accompanying the review, may be considered by the board prior to the adoption of the charges or revision thereof by the board.

Section 88. Subsection (6) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(6) The Department of *Management Services Administration* shall be the functional owner of the State Personnel Payroll Information Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of s. 110.116 and this act. The subsystem shall include, but shall not be limited to, components for:

- (a) Maintenance of employee and position data.
- (b) Recruitment and examination.
- (c) Time reporting.
- (d) Retirement contributions and certification.

Section 89. Subsection (2) of section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council.—

(2) The coordinating council shall consist of the Comptroller; the Treasurer; the *executive director* ~~secretary~~ of the Department of *Management Services Administration*; the Director of Planning and Budgeting, Executive Office of the Governor; ~~the executive director of the Department of General Services~~; the executive director of the Department of Revenue; and the executive director of the State Board of Administration, or their designees. The Comptroller, or his designee, shall be chairman of the coordinating council and shall provide administrative and clerical support to the council. The Comptroller shall maintain the minutes of each meeting and shall make such minutes available to any interested person. The Auditor General and the executive administrator of the Information Resource Commission, or their designees, shall serve without voting rights as ex officio members on the coordinating council. The chairman may call meetings of the coordinating council as often as necessary to transact business; however, the coordinating council shall meet at least once a year.

Section 90. Subsection (2) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(2) For purposes of this chapter, ~~each of the term following terms has the meaning indicated:~~

(a) "Approved operating budget" or "approved budget" means the plan of operations consisting of the original approved operating budget and statement of intent.

(b) "Commission" means the Administration Commission composed of the Governor and Cabinet.

~~(c) "Department" means the Department of Administration.~~

~~(c)(4)~~ "Emergency situation" means a set of conditions that were unforeseen at the time the General Appropriations Act was adopted and that are essential to correct in order to continue the operation of government, or a set of conditions that were not considered in the General Appropriations Act and that constitute an imminent threat to public health, safety, or welfare. This definition shall not apply to the emergency provisions of chapter 252.

~~(d)(e)~~ "Impoundment" means the omission of any appropriation or part of an appropriation in the approved operating plan prepared pursuant to the provisions of s. 216.181 or in the schedule of releases prepared pursuant to the provisions of s. 216.192 or the failure of any state agency to spend an appropriation for the stated purposes authorized in the approved operating budget.

Section 91. Subsection (2) of section 216.0165, Florida Statutes, is amended to read:

216.0165 Agency evaluation and justification.—

(2) Each agency or entity subject to the provisions of this section shall be subject to periodic evaluation and review no more often than once every 7 years or less often than once every 15 years. The agency evaluation and justification review of an agency shall include all adjunct authorities, boards, committees, offices, and commissions within or connected to an agency, and all adjunct agencies which are by law contained in or responsible to the agency which is the subject of the evaluation and review. The evaluation and review may include consideration of programs provided by other agencies which are integrally related to the programs administered by the agency which is scheduled for evaluation and review. The evaluations and reviews shall be initiated in the following order, subject to revision by the Legislative Auditing Committee as provided in subsection (3):

- (a) The Department of Revenue.
- (b) The Department of Environmental Regulation.
- (c) The Department of Natural Resources.
- (d) The Game and Fresh Water Fish Commission.
- (e) The Department of the Lottery.
- (f) The Department of Corrections.
- (g) The Florida Parole Commission.
- (h) The Department of Health and Rehabilitative Services.
- (i) The Department of Education.
- (j) The Department of Professional Regulation.
- (k) The Department of Transportation.
- (l) The Department of Community Affairs.
- (m) The Department of Legal Affairs.
- (n) The Department of Law Enforcement.
- (o) The Judicial Branch.
- (p) The Department of Banking and Finance.
- ~~(q) The Department of Administration.~~
- ~~(q)(r)~~ The Department of Business Regulation.
- ~~(r)(s)~~ The Department of Agriculture and Consumer Services.
- ~~(s)(t)~~ The Department of Commerce.
- ~~(t)(u)~~ The Department of State.
- ~~(u)(v)~~ The Department of Veterans' Affairs.
- ~~(v)(w)~~ The Department of Military Affairs.
- ~~(w)(x)~~ The Executive Office of the Governor.
- ~~(x)(y)~~ The Legislative Branch.
- ~~(y)(z)~~ The Public Service Commission.
- ~~(z)(aa)~~ The Department of Labor and Employment Security.
- ~~(aa)(bb)~~ The Department of Insurance.
- ~~(bb)(cc)~~ The Department of *Management General Services*.
- ~~(cc)(dd)~~ The Department of Highway Safety and Motor Vehicles.
- ~~(dd)(ee)~~ The Department of Citrus.

Section 92. Paragraphs (c), (d), (e), and (f) of subsection (1) and subsection (4) of section 216.262, Florida Statutes, are amended to read:

216.262 Authorized positions.—

(1)

(c) No individual employed by a state agency may hold more than one employment during his normal working hours with the state, such working hours to be determined by the head of the state agency affected, unless approved by the Department of *Management Services*.

(d) No individual employed by a state agency may fill more than a total of one full-time equivalent established position, receive compensation simultaneously from any appropriation other than appropriations for salaries, or receive compensation simultaneously from more than one state agency unless approved by the Department of Management Services during each fiscal year.

(e) No perquisites may be furnished by a state agency unless approved by the Division of Personnel Management Services during each fiscal year. Whenever a state agency is to furnish ~~those things defined as~~ perquisites ~~herein~~, the Department of Management Services ~~must~~ ~~Administration shall~~ approve the kind and monetary value of such perquisites before they may be furnished.

(f) If goods and services are to be sold to officers and employees of a state agency rather than being furnished as perquisites, the kind and selling price thereof shall be approved by the Department of Management Services during each fiscal year before such sales are made. The selling price may be deducted from any amounts due by the state to any person receiving such things. The amount of cash so deducted shall be faithfully accounted for. This ~~paragraph provision~~ does not apply to sales to officers or employees of items generally sold to the public and does not apply to meals which may be provided without charge to volunteers under a volunteer service program approved by the Department of Management Services.

(4) No full-time position shall be filled by more than the equivalent of one full-time officer or employee, except as provided for in rules to be adopted by the Department of Management Services ~~Administration~~.

Section 93. Subsection (2) of section 218.32, Florida Statutes, is amended to read:

218.32 Financial reporting; units of local government.—

(2) The department shall annually file a verified report by May 1 with the Governor, the Legislature, and the Special District Information Program of the Department of Community Affairs showing, in detail, the numbers and types of units of local government and the revenues, both locally derived and derived from intergovernmental transfers, and expenditures of such units. The report shall include, but shall not be limited to:

(a) Analyses of retirement information of all local retirement systems as provided by the Division of Retirement of the Department of Management Services ~~Administration~~.

(b) Analyses of bonded indebtedness of all units of local government, including general obligation bonds, revenue bonds, industrial development bonds, limited revenue bonds, special assessment bonds, and short-term debt, as provided by the Division of Bond Finance of the ~~State Board Department of Administration General Services~~, and any additional items of data or analyses thereof as developed by the department.

Section 94. Paragraph (m) of subsection (4) and paragraph (j) of subsection (10) of section 230.23, Florida Statutes, are amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board as acceptable, including provisions that:

1. The school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

2. The school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved nonpublic schools or community facilities which meet standards established by the state board.

3. The school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent or guardian of a sensory-impaired student.

4. The school board submit annually to the department its proposed procedures for the provision of special instruction and services for exceptional students.

5. No student be given special instruction or services as an exceptional student until after he has been properly evaluated, classified, and placed in the manner prescribed by rules of the state board. The parent or guardian of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent or guardian that he is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.57 and 286.011, and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1), to the extent that the state board adopts rules establishing other procedures. These exemptions from ss. 119.07(1) and 286.011 are subject to the Open Government Sunset Review Act in accordance with s. 119.14. The hearing shall be conducted by a hearing officer from the Division of Administrative Hearings, of the Department of Management Services ~~Administration~~. The decision of the hearing officer shall be final, except that any party aggrieved by the finding and decision rendered by the hearing officer shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the hearing officer shall have the right to request an impartial review of the hearing officer's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents or guardian otherwise agree, the child shall remain in his then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents or guardian, in the public school program until all such proceedings have been completed.

6. In providing for the education of exceptional students, the superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students whenever this is possible. No student shall be segregated and taught apart from normal students until a careful study of the student's case has been made and evidence has been obtained which indicates that segregation would be for the student's benefit or is necessary because of difficulties involved in teaching the student in a regular class.

7. The principal of the school in which the student is taught shall keep a written record of the case history of each exceptional student showing the reason for the student's withdrawal from the regular class in the public school and his enrollment in or withdrawal from a special class for exceptional students. This record shall be available for inspection by school officials at any time.

8. The district school board shall establish the amount to be paid by the district school board for each individual exceptional student contract with a nonpublic school.

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(j) Purchasing regulations to be secured from Department of Management General Services.—Secure purchasing regulations and amendments and changes thereto from the Division of Purchasing of the Department of Management General Services and prior to any purchase have reported to it by its staff, and give consideration to the lowest price available to it under such regulations, provided a regulation applicable to the item or items being purchased has been adopted by the Division of Purchasing. The Division of Purchasing should meet with educational administrators to expand the inventory of standard items for common usage in all schools and higher education institutions.

Section 95. Subsection (5) of section 231.262, Florida Statutes, is amended to read:

231.262 Complaints against teachers and administrators; procedure.—

(5) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. A hearing officer shall be assigned by the Division of

Administrative Hearings of the Department of *Management Services Administration* to hear the complaint unless all parties, including the Department of Education, agree in writing that there is no disputed issue of material fact. The hearing officer shall make recommendations in accordance with the provisions of subsection (6) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

Section 96. Paragraph (e) of subsection (3) of section 231.36, Florida Statutes, is amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(3)

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29(4) ~~s. 231.29(5)~~, charges the employee with unsatisfactory performance as determined under the provisions of s. 231.29 and notifies the employee in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or his designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29(4) ~~s. 231.29(5)~~, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the employee's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 45 days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of s. 120.57(1)(a)1. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of *Management Services Administration*. The hearing shall be conducted within 45 days of receipt of the written appeal in accordance with chapter 120. The recommendation of the hearing officer shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the hearing officer's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 97. Subsection (2) of section 238.01, Florida Statutes, is amended to read:

238.01 Definitions.—The following words and phrases as used in this chapter shall have the following meanings unless a different meaning is plainly required by the context:

(2) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 98. Subsection (1) of section 238.03, Florida Statutes, is amended to read:

238.03 Administration.—

(1) The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of this chapter are vested in the Division of Retirement of the Department of *Management Services Administration*. Subject to the limitation of this chapter, the division shall, from time to time, establish rules and regulations for the administration and transaction of the business of the retirement system and shall perform such other functions as are required for the execution of this chapter.

Section 99. Subsection (7) of section 238.08, Florida Statutes, is amended to read:

238.08 Optional benefits.—A member may elect to receive his benefits under the terms of this chapter according to the provisions of any one of the following options:

(7) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement of the ~~Department of Administration~~, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and shall be used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 100. Paragraph (a) of subsection (2) of section 238.11, Florida Statutes, is amended to read:

238.11 Collection of contributions.—

(2) The collection of the state contribution shall be made as follows:

(a) The amounts required to be paid by the state into the Teachers' Retirement System in this chapter shall be provided therefor in the General Appropriations Act. However, in the event a sufficient amount is not included in the General Appropriations Act to meet the full amount needed to pay the retirement compensation provided for in this chapter, the additional amount needed for such retirement compensation is hereby appropriated from the General Revenue Fund as approved by the Department of *Management Services Administration*.

Section 101. Paragraph (f) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of *Management Services Administration* or ~~its secretary~~ over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules delegating its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of *Management Services Administration* for other state employees. The Department of *Management Services Administration* shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1231, 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238. The board shall adopt only those rules necessary to provide for a coordinated, efficient systemwide program and shall delegate to the universities all authority necessary for

implementation of the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. Notwithstanding the provisions of s. 216.181(4), the salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

Section 102. Subsection (4) of section 240.343, Florida Statutes, is amended to read:

240.343 Sick leave.—Each community college district board of trustees shall adopt rules whereby any full-time employee who is unable to perform his duties at the college on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of the employee's father, mother, brother, sister, husband, wife, child, or other close relative or member of the employee's own household, and who consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(4) EXPENDITURE AUTHORIZED.—Community college boards of trustees are authorized to expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules ~~adopted promulgated~~ by the Department of ~~Management Services Administration~~ pursuant to chapter 650.

Section 103. Paragraph (g) of subsection (4) of section 242.68, Florida Statutes, is amended to read:

242.68 Education for state prisoners; Correctional Education School Authority; Board of Correctional Education.—

(4) There is hereby established the position of Director of Correctional Education who shall be appointed by the board and shall serve at the discretion of the board. The director shall:

(g) Develop a compensation and classification plan for correctional educators which is competitive with school district salaries and includes a step pay plan. The director shall administer the compensation and classification plan for instructional personnel within the rules and policies established by the board, subject only to the approval of the State Board of Education. The director shall administer the compensation and classification plan for administrative and noninstructional personnel within the rules and policies established by the board, subject only to the approval of the Department of ~~Management Services Administration~~.

Section 104. Subsection (6) of section 250.22, Florida Statutes, is amended to read:

250.22 Retirement.—

(6) All powers, duties, and functions related to the administration of this section are vested in the Department of ~~Management Services Administration~~ and shall be assigned to the Division of Retirement.

Section 105. Subsection (4) of section 252.38, Florida Statutes, is amended to read:

252.38 Emergency management powers of political subdivisions.—

(4) Each local emergency management agency created and established pursuant to the provisions of ss. 252.31-252.60 shall have a director who shall be appointed and have his annual salary fixed by the board of county commissioners of the county or the governing body of a city or town, as appropriate. Such a director shall meet the minimum training and education qualifications established in a job description approved by the Department of ~~Management Services Administration~~ or the political subdivision. Such directors shall be appointed by their respective political subdivisions, to serve at their pleasure, subject to their direction and control, in conformance with applicable resolutions, ordinances, and Florida statutes. Each political subdivision shall promptly inform the division of the appointment of directors and other personnel. Each director shall have direct responsibility for the organization, administration, and operation of the local emergency management agency, subject only to the direction and control of the governing body of the political subdivision and of the division. The director shall coordinate the activities, services, and programs for emergency management within the county or municipality and shall maintain liaison with other state and local emergency management agencies.

Section 106. Subsection (2) of section 253.126, Florida Statutes, is amended to read:

253.126 Legislative intent.—The limitations and restrictions imposed by this chapter as amended by chapter 67-393 upon the construction of islands or the extension or addition to existing lands or islands bordering on or being in the navigable waters, as defined in s. 253.12, shall apply to the state, its agencies and all political subdivisions and governmental units. No other general or special act shall operate to grant exceptions to this section unless this section is specifically repealed thereby.

(2) The provisions of chapter 120 shall be accorded any person where substantial interests will be affected by an activity proposed to be conducted by such agency pursuant to its certification and the department's acceptance. If a proceeding is conducted pursuant to s. 120.57, the department may intervene as a party. Should a hearing officer of the Division of Administrative Hearings of the Department of ~~Administration~~ submit a recommended order pursuant to s. 120.57, the Department of Environmental Regulation shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

Section 107. Subsection (2) of section 266.0006, Florida Statutes, is amended to read:

266.0006 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of ~~Management Services Administration~~ guidelines.

Section 108. Subsection (2) of section 266.0016, Florida Statutes, is amended to read:

266.0016 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of ~~Management Services Administration~~ guidelines.

Section 109. Subsection (2) of section 266.0026, Florida Statutes, is amended to read:

266.0026 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of ~~Management Services Administration~~ guidelines.

Section 110. Subsection (2) of section 266.0036, Florida Statutes, is amended to read:

266.0036 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of ~~Management Services Administration~~ guidelines.

Section 111. Subsection (2) of section 266.0046, Florida Statutes, is amended to read:

266.0046 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of ~~Management Services Administration~~ guidelines.



Section 112. Subsection (2) of section 266.0056, Florida Statutes, is amended to read:

266.0056 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 113. Subsection (2) of section 266.0066, Florida Statutes, is amended to read:

266.0066 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 114. Section 284.36, Florida Statutes, is amended to read:

284.36 Appropriation deposits; premium payment.—~~During the period beginning July 1, 1972, and ending June 30, 1973, the Department of Administration, at the request of the Treasurer, may transfer any funds appropriated in the General Appropriation Act or other acts of the Legislature for the purpose of providing workers' compensation, general liability, and fleet automotive liability coverage to the Florida Casualty Insurance Risk Management Trust Fund. Future Premiums for coverage by the Florida Casualty Insurance Risk Management Trust Fund as calculated on all coverages shall be billed and charged to each state agency according to coverages obtained by the fund for their benefit, and such obligations shall be paid promptly by each agency from its operating budget upon presentation of a bill therefor. After the first year of operation, premiums to be charged to all departments of the state are to be computed on a retrospective rating arrangement based upon actual losses accruing to the fund, taking into account reasonable expectations, the maintenance and stability of the fund, and the cost of insurance.~~

Section 115. Subsection (3) of section 287.17, Florida Statutes, is amended to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(3) The term "official state business" may not be construed to permit the use of a motor vehicle or aircraft for personal business or commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of *Management Services Administration*, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

Section 116. Subsection (3) of section 295.11, Florida Statutes, is amended to read:

295.11 Investigation; administrative hearing for not employing preferred applicant.—

(3) When a satisfactory resolution to the complaint is not forthcoming, the department or its designee shall, upon written request of the complainant and with advisory assistance from the Department of *Management Services Administration*, testify at the Public Employee Relations Commission hearing as to the investigative findings. The complainant, however, may be represented at the hearing by counsel of his choice at his expense.

Section 117. Subsection (1) of section 321.04, Florida Statutes, is amended to read:

321.04 Personnel of the highway patrol; rank classifications; probationary status of new patrol officers; subsistence; special assignments.—

(1) The Department of Highway Safety and Motor Vehicles shall employ patrol officers, as authorized by the Legislature in appropriating funds for their salaries exclusive of those members of the patrol who are assigned to and paid by special departments; and shall establish the nec-

essary supervisory ranks within the Florida Highway Patrol to efficiently supervise and carry out the designated functions of the patrol and the department in accordance with the regulations established by the Department of *Management Services Administration*.

Section 118. Subsection (2) of section 321.17, Florida Statutes, is amended to read:

321.17 Contributions; leaving patrol; leave of absence; transferees.—

(2) Such members as are eligible for service credit as set forth under s. 321.19(1) may pay to the Treasurer to the credit of the Highway Patrol Pension Trust Fund, the sum of \$5 for each month of such service credit. Satisfactory proof of former service must be furnished the Division of Retirement of the Department of *Management Services Administration* in the form of a sworn, written statement from the member's former employer or other reliable person, or other documents of proof as may be required by them. Such money as becomes due by reason of this clause shall be paid by said employee in equal monthly payments over a period not to exceed 60 months after October 1, 1945. Employees who fail to take advantage of the benefits offered under s. 321.19(1) within 90 days after October 1, 1945, shall forfeit such service credits forever. New members who may hereafter enter the service of division of the Florida Highway Patrol who fail to take advantage of the benefits offered under s. 321.19(1) within 90 days after time of employment shall forfeit such service credits forever.

Section 119. Paragraph (d) of subsection (1) of section 321.19, Florida Statutes, is amended to read:

321.19 Computing length of service; definitions; examining committee.—

(1)

(d) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement of the Department of *Management Services Administration*, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 120. Subsection (1) of section 321.191, Florida Statutes, is amended to read:

321.191 Non-service-connected disability retirement.—

(1) A member who becomes totally and permanently disabled after completing 10 years of service shall be entitled to a disability benefit. The disability retirement date for such member shall be the first day of the month following the month during which the Division of Retirement of the Department of *Management Services Administration* approved payment of disability retirement benefits.

Section 121. Section 321.202, Florida Statutes, is amended to read:

321.202 Termination by death subsequent to normal retirement date but prior to actual retirement.—If the employment of a member is terminated by reason of his death subsequent to his normal retirement date but prior to his actual retirement, it shall be assumed that the member retired as of his date of death and that he had elected the optional form of payment most favorable to his legal spouse as determined by the Division of Retirement of the Department of *Management Services Administration*. The benefits so determined shall be payable monthly to the spouse until the death of the spouse.

Section 122. Subsection (1) of section 321.2205, Florida Statutes, is amended to read:

321.2205 Surviving spouses' benefit options.—Notwithstanding any other provision in this chapter to the contrary, the following provisions shall apply to any member who has accumulated at least 10 years of service and dies:

(1) If the deceased member's surviving spouse has previously received a refund of the member's contributions made to the Highway Patrol Pension Trust Fund, such spouse may pay to the Division of Retirement of the Department of *Management Services Administration* an amount equal to the sum of the amount of the deceased member's contributions

previously refunded and interest at 3 percent compounded annually on the amount of such refunded contributions from the date of refund to the date of payment to the Division of Retirement, and receive the monthly retirement benefit provided in subsection (3).

Section 123. Paragraph (d) of subsection (2) of section 337.165, Florida Statutes, is amended to read:

337.165 Contract crime; denial or revocation of a certificate of qualification.—

(2)

(d) A contractor or affiliate whose certificate has been denied or revoked may, at any time after denial or revocation, petition for and be granted a hearing to determine his eligibility for reapplication or reinstatement upon such terms and conditions as may be prescribed upon finding that reapplication or reinstatement is in the public interest. The petition shall be filed with the department. Any hearing conducted by the department shall be conducted within 30 days after receipt of the petition, unless otherwise stipulated by the parties. If the contractor or affiliate requests in his petition that the hearing be conducted by the Division of Administrative Hearings of the Department of *Management Services Administration*, the department shall, within 5 days after receipt of the petition, notify the division of the request. The director of the Division of Administrative Hearings shall, within 5 days after the notice by the department, assign a hearing officer, who shall conduct the hearing within 30 days thereafter, unless otherwise stipulated by the parties. The department shall be a party in interest in any hearing conducted by the Division of Administrative Hearings. In determining whether reapplication or reinstatement would be in the public interest, the department or division hearing officer shall give consideration to any relevant mitigating circumstances, which may include, but are not limited to, the following:

1. The degree of culpability;
2. Prompt and voluntary payment of damages to the state as a result of the contractor's violation of state or federal antitrust laws;
3. Cooperation with any state or federal prosecution or investigation of a contract crime;
4. Disassociation with those involved in a contract crime;
5. Reinstatement in other state or federal jurisdictions; and
6. The needs of the department in completing its programs in a timely, cost-effective manner.

The department or division hearing officer shall also consider the failure of the contractor or affiliate to comply with the notification provisions of subsection (5). Any hearing requested under this paragraph shall be conducted and concluded without undue delay. The hearing officer shall, within 30 days after the hearing, complete and submit a final order to the department, which order may not be altered or amended by the department. If eligibility for reapplication or reinstatement is denied, the contractor or affiliate may not petition for a subsequent hearing for a period of 9 months following the date of the order of denial or revocation. However, a hearing prior to the expiration of such period may be authorized by the department if, in its discretion, it determines that a hearing is in the public interest.

Section 124. Subsection (3) of section 350.0614, Florida Statutes, is amended to read:

350.0614 Public Counsel; compensation and expenses.—

(3) Neither the Executive Office of the Governor nor the Department of *Management Services Administration* or its successor shall have power to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any manner of control over them.

Section 125. Section 350.125, Florida Statutes, is amended to read:

350.125 Administrative hearing officers.—Any provision of law to the contrary notwithstanding, the commission shall utilize hearing officers of the Division of Administrative Hearings of the Department of *Management Services Administration* to conduct hearings of the commission not assigned to members of the commission.

Section 126. Subsection (1) of section 370.0821, Florida Statutes, is amended to read:

370.0821 St. Johns County; use of nets.—

(1) In addition to all other restrictions imposed by this section, the use of any type of net or seine, other than a common cast net or a recreational net as hereafter defined, is prohibited in the salt waters of St. Johns County, and within  $\frac{1}{4}$  mile seaward of the beaches and coast thereof, between May 1 and September 15 each year. During the remainder of the year, the use of nets or seines, other than common cast nets or recreational nets as hereafter defined, is prohibited on Saturdays, Sundays, and all legal holidays designated as such by the Department of *Management Services Administration*.

Section 127. Section 376.10, Florida Statutes, is amended to read:

376.10 Personnel and equipment.—The department shall establish and maintain at such ports within the state and other places as it shall determine such employees and equipment, other than equipment furnished by the registrant, as in its judgment may be necessary to carry out the provisions of ss. 376.011-376.21. The department may employ and prescribe the duties of such employees, subject to the rules and regulations of the Division of Personnel Management Services of the Department of *Management Services Administration*. The salaries of the employees and the cost of the equipment shall be paid from the Florida Coastal Protection Trust Fund established by ss. 376.011-376.21. The department shall periodically consult with other departments of the state and specifically with the Department of Environmental Regulation relative to procedures for the prevention of discharges of pollutants into or affecting the coastal waters of the state from operations regulated by ss. 376.011-376.21.

Section 128. Paragraph (b) of subsection (5) of section 381.709, Florida Statutes, is amended to read:

381.709 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(b) Hearings shall be held in Tallahassee unless the hearing officer determines that changing the location will facilitate the proceedings. In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the department in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district, provided that existing health care providers, other than the applicant, have no standing or right to initiate or intervene in an administrative hearing involving a health care project which is subject to certificate-of-need review solely on the basis of s. 381.706(1)(c). The department shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of *Management Services Administration* within 10 days after the time has run to request a hearing. Except upon unanimous consent of the parties or upon the granting by the hearing officer of a motion of continuance, hearings shall commence within 60 days after the hearing officer has been assigned. All non-state-agency parties shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the hearing officer shall complete and submit to the parties a recommended order as provided in s. 120.57(1)(b). The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

Section 129. Section 402.35, Florida Statutes, is amended to read:

402.35 Employees.—All personnel of the Department of Health and Rehabilitative Services shall be governed by rules and regulations adopted and promulgated by the Department of *Management Services Administration* relative thereto except the director and persons paid on a fee basis. The Department of Health and Rehabilitative Services may participate with other state departments and agencies in a joint merit system. No federal, state, county, or municipal officer shall be eligible to serve as an employee of the Department of Health and Rehabilitative Services.

Section 130. Paragraph (b) of subsection (14) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(14) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution and provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(b) The provisions of chapter 120 shall be accorded any person when substantial interests will be affected by an activity proposed to be conducted by the Department of Transportation pursuant to its certification and the acceptance of the Department of Environmental Regulation. If a proceeding is conducted pursuant to s. 120.57, the Department of Environmental Regulation may intervene as a party. Should a hearing officer of the Division of Administrative Hearings of the Department of ~~Management Services Administration~~ submit a recommended order pursuant to s. 120.57, the Department of Environmental Regulation shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

Section 131. Paragraph (c) of subsection (3) of section 406.075, Florida Statutes, is amended to read:

406.075 Grounds for discipline; disciplinary proceedings.—

(3)

(c) A formal hearing before a hearing officer from the Division of Administrative Hearings of the Department of ~~Management Services Administration~~ shall be held pursuant to chapter 120 unless all parties agree in writing that there is no disputed issue of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

Section 132. Paragraph (b) of subsection (3) of section 408.001, Florida Statutes, is amended to read:

408.001 Florida Health Care Purchasing Cooperative.—

(3) BOARD OF DIRECTORS.—

(b) The initial board of directors shall consist of:

1. The Director of the Division of State Employees Insurance of the Department of ~~Management Services Administration~~;

2. The Assistant Secretary for Medicaid of the Department of Health and Rehabilitative Services;

3. The Assistant Secretary for Health Services of the Department of Corrections;

4. Two persons who are responsible for purchasing health benefits for municipal employees and who are appointed by the Florida League of Cities;

5. A person who is responsible for purchasing health care benefits for county employees or health care services for county clients and who is appointed by the Florida Association of Counties; and

6. A person who is responsible for purchasing health care benefits for school district employees and who is appointed by the Florida Association of School Administrators.

Appointments to the initial board of directors shall be made by August 1, 1991. The appointed members of the initial board of directors shall be appointed for 2 years and may be reappointed. The Director of the Division of State Employees Insurance shall chair the initial board of directors.

Section 133. Paragraphs (a) and (h) of subsection (4) of section 409.029, Florida Statutes, are amended to read:

409.029 Florida Employment Opportunity Act.—

(4) INTER-AGENCY SERVICE INTEGRATION.

(a) The department is designated as the single state agency responsible for the planning, integration, and coordination of employment-related

services for public assistance recipients. All appropriate state and local agencies shall cooperate with the department in planning the service delivery system specified under this act and in rendering certain services specified under this act. Appropriate state agencies include, but are not limited to, the Department of Commerce, the Department of Labor and Employment Security, the Department of Education, the Department of ~~Management Services Administration~~, the Department of Revenue, and the Department of Community Affairs. Appropriate local agencies include, but are not limited to, district school boards, state universities, community colleges, and private industry councils.

(h) ~~By January 1, 1988,~~ The Department of ~~Management Services Administration~~ shall establish and implement a policy requiring that each agency in the state establish an annual goal for hiring public assistance recipients into a minimum of 10 percent of entry level vacancies requiring a high school education or less.

Section 134. Paragraph (a) of subsection (5) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(5) FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE.—Benefits paid to employees of this state or any instrumentality of this state, or to employees of any political subdivision of this state or any instrumentality thereof, based upon service defined in s. 443.036(19)(b), shall be financed in accordance with this subsection.

(a)1. Unless an election is made as provided in paragraph (c), the state or any political subdivision of the state shall pay into the Unemployment Compensation Trust Fund an amount equivalent to the amount of regular benefits, short-time compensation benefits, and extended benefits paid to individuals, based on wages paid by the state or the political subdivision for service defined in s. 443.036(19)(b).

2. Should any state agency become more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the division shall certify to the Comptroller the amount due and the Comptroller shall, ~~upon approval after a hearing by the Department of Administration,~~ transfer the amount due to the Unemployment Compensation Trust Fund from the funds of such agency that may legally be ~~used~~ utilized for such purpose. In the event any political subdivision of the state or any instrumentality thereof becomes more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, then, upon request by the division after a hearing, the Department of Revenue or the Department of Banking and Finance, as the case may be, shall deduct the amount owed by the political subdivision or instrumentality from any funds to be distributed by it to the county, city, special district, or consolidated form of government for further distribution to the trust fund in accordance with this chapter. Should any employer for whom the city or county tax collector collects taxes fail to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the division and upon receipt of a certificate showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit same to the Department of Labor and Employment Security for further distribution to the trust fund in accordance with this chapter. This subparagraph does not apply to those amounts due for benefits paid prior to October 1, 1979. This subparagraph does not apply to amounts owed by a political subdivision for benefits erroneously paid where the claimant is required to repay to the division under s. 443.151(6)(a) or (b) any sum as benefits received.

Section 135. Subsection (5) of section 455.225, Florida Statutes, is amended to read:

455.225 Disciplinary proceedings.—

(5) A formal hearing before a hearing officer from the Division of Administrative Hearings ~~of the Department of Administration~~ shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

Section 136. Subsection (4) of section 650.02, Florida Statutes, is amended to read:

650.02 Definitions.—For the purpose of this chapter:

(4) The term "state agency" means the Division of Retirement of the Department of ~~Management Services Administration~~.

Section 137. Section 760.04, Florida Statutes, is amended to read:

760.04 Commission on Human Relations, assigned to ~~Executive Office Department of the Governor Administration~~.—The commission created by s. 760.03 is assigned to the ~~Executive Office Department of the Governor Administration~~. The commission, in the performance of its duties under ss. 760.01-760.10, shall not be subject to control, supervision, or direction by the ~~Governor Department of Administration~~.

Section 138. Subsection (10) of section 11.148, Florida Statutes, is amended to read:

11.148 Functions under administration of Joint Legislative Management Committee.—The Joint Legislative Management Committee shall be responsible for the administration of the following functions:

(10) Taking advantage of federal General Services Administration contracts and state contracts negotiated by the Division of Purchasing of the Department of ~~Management General Services~~.

Section 139. Subsection (4) of section 11.45, Florida Statutes, as amended by section 2 of chapter 91-429, Laws of Florida, is amended to read:

11.45 Definitions; duties; audits; reports.—

(4) If the Auditor General conducts an audit of a special district which indicates in its findings problems related to debt policy or practice, including failure to meet debt service payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of a special district's revenue-producing capacity, a copy of the audit shall be submitted to the Division of Bond Finance of the ~~State Board Department of Administration General Services~~ for review and comment. Upon receipt of this notification from the Auditor General, the Division of Bond Finance shall prepare a brief report describing the previous debt issued by the special district and submit the report to the Legislative Auditing Committee for their review and consideration.

Section 140. Subsection (2) of section 14.057, Florida Statutes, is amended to read:

14.057 Governor-elect; establishment of operating fund.—

(2) The Department of ~~Management General Services~~ shall provide for the Governor-elect, his staff, and the inauguration staff temporary office facilities in the capitol center for the period extending from the day of the certification of his election by the Elections Canvassing Commission to the day of his inauguration.

Section 141. Subsection (15) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(15) Have the authority to perform any of the functions of the Department of ~~Management General Services~~ under chapter 255, chapter 273, chapter 281, chapter 283, or chapter 287, or any rules adopted under any such chapter, and may grant approvals provided for under any such chapter or rules. If the department finds, by rule, that compliance with any such chapter would impair or impede the effective or efficient operation of the lottery, the department may adopt rules providing alternative procurement procedures. Such alternative procedures shall be designed to allow the department to evaluate competing proposals and select the proposal that provides the greatest long-term benefit to the state with respect to the quality of the products or services, dependability and integrity of the vendor, dependability of the vendor's products or services, security, competence, timeliness, and maximization of gross revenues and net proceeds over the life of the contract.

Section 142. Subsection (2) of section 27.34, Florida Statutes, is amended to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(2) The state attorneys shall be provided by the counties within their judicial circuits with such office space, utilities, telephone service, custodial services, library services, transportation services, and communication services as may be necessary for the proper and efficient functioning of

these offices, except as otherwise provided in the General Appropriations Act. The state attorney's office shall also be provided with pretrial consultation fees for expert or other potential witnesses consulted before trial by the state attorney; travel expenses incurred in criminal cases by a state attorney in connection with out-of-jurisdiction depositions; out-of-state travel expenses incurred by assistant state attorneys or by investigators of state attorneys while attempting to locate and interrogate witnesses for the state attorney in the prosecution of a criminal case; court reporter costs incurred by the state attorney during the course of an investigation and criminal prosecution which costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; post-indictment and post-information deposition costs incurred by the state attorney during the course of a criminal prosecution of an insolvent defendant when such costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; and the cost of copying depositions of state witnesses taken by the public defender, court-appointed counsel, or private retained counsel, when such costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought. The office space to be provided by the counties shall not be less than the standards for space allotment ~~adopted promulgated~~ by the Department of ~~Management General Services~~, nor shall these services and office space be less than were provided in fiscal year 1984-1985.

Section 143. Subsection (3) of section 27.54, Florida Statutes, is amended to read:

27.54 Expenditures for public defender's office.—

(3) The public defenders shall be provided by the counties within their judicial circuits with such office space, utilities, telephone services, custodial services, library services, transportation services, and communication services as may be necessary for the proper and efficient functioning of these offices, except as otherwise provided in the General Appropriations Act. The public defender's offices shall also be provided with pretrial consultation fees for expert or other potential witnesses consulted before trial by the public defender; travel expenses incurred in criminal cases by a public defender in connection with out-of-jurisdiction depositions; out-of-state and out-of-jurisdiction travel expenses incurred by public defenders or by investigators of public defenders while attempting to locate and interrogate witnesses for the public defender in the defense of a criminal case; court reporter costs incurred by the public defender during the course of an investigation and criminal prosecution, which costs are certified by the public defender as being useful and necessary in the preparation of a criminal defense, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; post-indictment and post-information deposition costs incurred by the public defender during the course of a criminal prosecution of an indigent defendant when such costs are certified by the public defender as being useful and necessary in the preparation of a criminal defense, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; and the cost of copying depositions of defense witnesses taken by the state attorney when such costs are certified by the public defender as being useful and necessary in the preparation of a criminal defense, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought. The office space and utilities to be provided by the counties shall not be less than the standards for space allotment ~~adopted promulgated~~ by the Department of ~~Management General Services~~. The counties shall not provide less of these services than were provided in the previous fiscal year.

Section 144. Subsection (3) of section 75.05, Florida Statutes, is amended to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the Division of Bond Finance of the ~~State Board Department of Administration General Services~~. Notwithstanding any other provision of law, whether a general law

or special act, validation of bonds to be issued by a special district, other than a community development district established pursuant to chapter 190, as provided in s. 190.016(12), is not mandatory, but is at the option of the issuer. However, the validation of bonds issued by such community development districts shall not be required on refunding issues.

Section 145. Subsections (2) and (3) of section 110.173, Florida Statutes, are amended to read:

110.173 Advisory council.—

(2) The Governor and each member of the Cabinet shall appoint a representative to serve on the advisory council. Additional members to be appointed by the Governor shall be:

- (a) One member from the Department of Community Affairs;
- (b) Two members who represent the remaining executive agencies; and
- (c) One member who shall be a representative of a state bargaining unit, and who shall represent the viewpoint of career service employees participating in the program.

The executive administrator of the Information Resource Commission and the director of the Division of Communications of the Department of Management General Services shall serve as ex officio members of the council.

(3) The executive director of the Department ~~Secretary of Management Services Administration~~, or his designee, shall serve as the chairman for the council and shall provide for the necessary staff support to the council. The council shall meet at least quarterly, upon the call of the chairman.

Section 146. Paragraph (a) of subsection (5) of section 120.53, Florida Statutes, is amended to read:

120.53 Adoption of rules of procedure and public inspection.—

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.303-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(a) The agency shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows:

1. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail or by hand delivery.
2. For any decision of the Division of Purchasing of the Department of Management General Services concerning a request by an agency for approval of an exceptional purchase under part I of chapter 287 and the rules of the Division of Purchasing, notice of a decision or intended decision shall be given by posting such notice in the office of the Division of Purchasing.
3. For any other agency decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States mail or other express delivery service, return receipt requested.

The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under chapter 120, Florida Statutes."

Section 147. Section 159.345, Florida Statutes, is amended to read:

159.345 Local agency reporting requirement.—

(1) Any local agency which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the *State Board Department of Administration General Services* with a copy of the report required in s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to that section.

(2) The Division of Bond Finance ~~of the Department of General Services~~ shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by March 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 148. Section 159.475, Florida Statutes, is amended to read:

159.475 Authority reporting requirement.—

(1) Any authority which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the *State Board Department of Administration General Services* with a copy of the report required pursuant to s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to that section.

(2) The Division of Bond Finance ~~of the Department of General Services~~ shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by March 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 149. Section 159.7055, Florida Statutes, is amended to read:

159.7055 Authority reporting requirement.—

(1) Any authority which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the *State Board Department of Administration General Services* with a copy of the report required pursuant to s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to that section.

(2) The Division of Bond Finance ~~of the Department of General Services~~ shall:

(a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the Legislature by March 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 150. Section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:

- (1) "County" means the geographic boundaries of each county as established by law.
- (2) "Private activity bond" or "bond" means any bond which requires an allocation pursuant to s. 146 of the Code.
- (3) "Director" means the director of the Division of Bond Finance of the *State Board Department of Administration General Services* or his designee.
- (4) "Agency" means the State of Florida, any unit of local government, industrial development authority, or other entity in this state authorized to issue private activity bonds.
- (5) "Priority project" means a solid waste disposal facility or a sewage facility, as such terms are defined in s. 142 of the Code, or any project which is to be located in an area which is an enterprise zone approved pursuant to s. 290.0065.

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

(7) "Issued" or "issuance" has the same meaning as in the Code.

(8) "Code" means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(9) "Housing bonds" means bonds issued pursuant to s. 142(d) of the Code to finance qualified residential units or mortgage revenue bonds issued pursuant to s. 143 of the Code which require an allocation under s. 146 of the Code.

Section 151. Paragraph (e) of subsection (2) of section 212.055, Florida Statutes, as amended by section 1 of chapter 91-423, Laws of Florida, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the *State Board Department of Administration General Services* pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

Section 152. Subsection (6) of section 215.422, Florida Statutes, is amended to read:

215.422 Warrants, vouchers, and invoices; processing time limits; dispute resolution; agency compliance.—

(6) The Department of Banking and Finance shall monitor each agency's compliance with the time limits and interest penalty provisions of this section. The department shall provide a quarterly report to each agency head disclosing the agency's compliance rate. The report shall also include a list of late vouchers or payments, the amount of interest owed or paid, and any corrective actions recommended. The department shall perform monitoring responsibilities, pursuant to this section, *using utilizing the Management General Services and Purchasing Subsystem* or the State Automated Management Accounting Subsystem provided in s. 215.94. Each agency shall be responsible for the accuracy of information entered into the *Management General Services and Purchasing Subsystem* and the State Automated Management Accounting Subsystem for use in this monitoring.

Section 153. Paragraph (g) of subsection (1) of section 215.47, Florida Statutes, is amended to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(1) Without limitation in:

(g) Bonds issued by the Florida State Improvement Commission, Florida Development Commission, ~~or~~ Division of Bond Finance of the Department of General Services, *or Division of Bond Finance of the State Board of Administration.*

Section 154. Subsection (5) of section 215.58, Florida Statutes, is repealed.

Section 155. Subsection (1) of section 215.62, Florida Statutes, is amended to read:

215.62 Division of Bond Finance.—

(1) There is hereby created a division of the *State Board Department of Administration General Services* of the state to be known as the Division of Bond Finance. The Governor shall be the chairman of the governing board of the division, the Comptroller shall be the secretary of the ~~said~~ board, and the Treasurer shall be the treasurer of *the said* board for the purposes of this act. The division shall be a public body corporate for the purposes of this act.

Section 156. Paragraph (e) of subsection (1) of section 215.93, Florida Statutes, is amended to read:

215.93 Florida Fiscal Accounting Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Fiscal Accounting Management Information System. The principal unit of the system shall be the subsystem, and the system shall originally include the following:

(e) *Management General Services and Purchasing Subsystem.*

Section 157. Subsection (5) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(5) The Department of *Management General Services* shall be the functional owner of the *Management General Services and Purchasing Subsystem*. The department shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:

- (a) Commodity procurement, inventory control, and warehousing.
- (b) Facilities management and utilization.
- (c) Construction bidding and monitoring.
- (d) Controlling and operating centralized equipment pools.

Section 158. Section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned *facilities* or state-occupied facilities.—

(1) The Department of *Management General Services* shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state, except those with less than 3,000 square feet. The inventory shall include the location, occupying agency, ownership, size, condition assessment, maintenance record, age, parking and employee facilities, and other information as required by the department for determining maintenance needs and life-cycle cost evaluations of the facility. The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency. The term "facility," as used in this section, means buildings, structures, and building systems, but does not include transportation facilities of the state transportation system. The Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. The Board of Regents and the Division of Community Colleges of the Department of Education shall develop and maintain an inventory, in the manner prescribed by the Department of *Management General Services*, of all higher education facilities and shall make the data available in a format acceptable to the Department of General Services.

(2) The Department of *Management General Services* shall update its inventory and cause to be updated the other inventories required by subsection (1) at least once every 5 years, but the inventories shall record acquisitions of new facilities and significant changes in existing facilities as they occur. The Department of *Management General Services* shall provide each agency with the most recent inventory applicable to that agency. Each agency shall, in the manner prescribed by the Department of *Management General Services*, report significant changes in the inventory as they occur. Items relating to the condition and life-cycle cost of a facility shall be updated at least every 5 years.

(3) The Department of *Management General Services* shall, every 3 years, publish a complete report detailing this inventory and shall publish an annual update of the report. The department shall furnish the updated report to the Executive Office of the Governor and the Legislature no later than September 1 of each year.

Section 159. Section 216.016, Florida Statutes, is amended to read:

216.016 Evaluation of plans; determination of financing method.—

(1) Pursuant to the requirements of s. 216.044, the Department of *Management General Services* shall evaluate the agency plans.

(2)(a) The Executive Office of the Governor shall develop a finance plan for meeting the state's infrastructure and fixed capital outlay needs.

(b) The Division of Bond Finance of the *State Board Department of Administration General Services* shall work with the Executive Office of the Governor and all agencies to determine the most cost-beneficial and effective financing methods for the satisfaction of the capital facility needs described or identified in the state comprehensive plan for facility needs.



Section 160. Section 216.044, Florida Statutes, is amended to read:

216.044 Budget evaluation by Department of *Management General Services*.—

(1) Concurrently with the submission of the fixed capital outlay legislative budget request to the Executive Office of the Governor, the agency shall submit a copy of the legislative budget request to the Department of *Management General Services* for evaluation.

(2) The Department of *Management General Services* shall advise the Executive Office of the Governor and the Legislature regarding alternatives to the proposed fixed capital outlay project and make recommendations relating to the construction requirements and cost of the project. These recommendations shall be provided to the Legislature and Executive Office of the Governor at a time specified by the Governor, but not less than 90 days prior to the regular session of the Legislature. When evaluating alternatives, the Department of *Management General Services* shall include information as to whether it would be more cost-efficient to lease private property or facilities, to construct facilities on property presently owned by the state, or to acquire property on which to construct the facilities. In determining the cost to the state of constructing facilities on property presently owned by the state or the cost of acquiring property on which to construct facilities, the Department of *Management General Services* shall include the costs which would be incurred by a private person in acquiring the property and constructing the facilities, including, but not limited to, taxes and return on investment.

(3) The Department of *Management General Services* shall provide assistance to any state agency and the Executive Office of the Governor in fulfilling the requirements of s. 216.0442 as developed pursuant to ss. 216.031 and 216.043.

Section 161. Subsection (2) of section 216.0445, Florida Statutes, is amended to read:

216.0445 Budget evaluation by the Information Resource Commission.—

(2) The executive administrator shall seek the advice of and consult with the Division of Communications of the Department of *Management General Services*, as needed, in reviewing the communications portion of the schedule.

Section 162. Paragraph (c) of subsection (2) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(c) The evaluation of the fixed capital outlay request of each agency and alternatives to the proposed projects as made by the Department of *Management General Services* pursuant to s. 216.044.

Section 163. Subsection (7) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(7) Moneys appropriated in the General Appropriations Act for the purpose of paying for services provided by the state communications system in the Division of Communications of the Department of *Management General Services* shall be paid by the user agencies within 45 days after the billing date. Upon approval of the Executive Office of the Governor, billed amounts not paid by the user agencies shall be transferred by the Comptroller from the user agencies to the Communications Working Capital Trust Fund.

Section 164. Section 217.01, Florida Statutes, is amended to read:

217.01 Purpose.—The purpose of this chapter is to provide authority to in Florida through a designated state agency for the procurement and distribution of surplus federal surplus personal property for public agencies; for eligible nonprofit, tax-exempt educational and health organizations; and for eligible nonprofit, tax-exempt organizations that assist the homeless and emergency management purposes as provided under chapter 252 and under federal law.

Section 165. Section 217.02, Florida Statutes, is amended to read:

217.02 Definitions.—As used in this act, the term:

(1) "Department" means the Department of *Management General Services*.

(2) "Surplus property" means any federal property which has been declared excess by a federal agency, including the Department of Defense, and made available for procurement and distribution in the state in compliance with the Federal Property and Administrative Services Act of 1949, and subsequent amendments thereto.

Section 166. Section 217.04, Florida Statutes, is amended to read:

217.04 Department of *Management General Services* as state agency to negotiate with federal agency.—The Department of *Management General Services* is designated the official agency of the state to negotiate with any federal agency in accordance and compliance with the Federal Property and Administrative Services Act of 1949 and subsequent amendments thereto, and any other federal law or regulation providing for the procurement and distribution of federal surplus personal property.

Section 167. Section 217.045, Florida Statutes, is amended to read:

217.045 *Bureau Division* of Surplus Property; assistance to state agencies.—The *Bureau of Surplus Property of the Division of Purchasing* of the Department of *Management General Services* may follow whatever procedure is *considered deemed* necessary to enable state agencies to take advantage of the sale of any surplus property allocated to the state material sold by the Federal Government or by its disposal agencies.

Section 168. Subsections (1), (2), and (4) of section 218.37, Florida Statutes, are amended to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the *State Board Department of Administration General Services*, with respect to both general obligation bonds and revenue bonds, shall:

(a) Provide information, upon request of a unit of local government, on the preliminary planning of a new bond issue.

(b) Collect, maintain, and make available information on outstanding bonds of units of local government and of the state.

(c) Serve as a clearinghouse for information on bond issues of units of local government and of the state.

(d) Undertake or commission studies on methods to reduce the costs of local and state bond issues.

(e) Recommend changes in law and in local practices to improve the sale and servicing of local bonds.

(f) Issue a regular newsletter to issuers, underwriters, attorneys, investors, and other parties within the bond community and the general public containing information of interest relating to local and state bonds. The division may charge fees for subscriptions to the newsletter.

(g) Issue an annual report to the Legislature describing the operations of the division relating to this section and s. 218.38.

(h) Provide the Department of Banking and Finance with current available information on all outstanding bond issues and proposed new bond issues of units of local government and of the state.

(i) By January 1 each year, provide the Special District Information Program of the Department of Community Affairs with a list of special districts not in compliance with the requirements in s. 218.38.

(j) Use the copy of the complaint for the bond validation, served pursuant to s. 75.05(3), to verify the compliance of that special district with the requirements in s. 218.38.

(2) The Division of Bond Finance of the *State Board Department of Administration General Services* may adopt rules to implement the provisions of this section and ss. 218.38 and 218.385

(4) The Division of Bond Finance of the *State Board Department of Administration General Services* shall conduct a study of professional fees paid to fiscal advisors, bond counsel, and others and shall adopt a recommended fee schedule which is commensurate with fees typically paid in states similar to Florida in size and character. Such schedule shall be adopted by the division as the recommended fee schedule for all state and state agency financings.

Section 169. Paragraph (a) of subsection (1) of section 218.38, Florida Statutes, is amended to read:

218.38 Notice of bond issues required; verification.—

(1)(a) Each unit of local government shall furnish the Division of Bond Finance of the *State Board of Administration General Services* a complete description of all of its outstanding general obligation bonds and revenue bonds, shall also provide the division with advance notice of the impending sale of any new issue of bonds, and shall also provide the division with a copy of the final official statement, if any is published, all as required by rules of the division.

Section 170. Subsection (3) of section 229.8052, Florida Statutes, is amended to read:

229.8052 State satellite network.—

(3) The Department of Education, in consultation with the Department of *Management General Services*, shall implement the provisions of this section and coordinate the network. Specifically, the department shall:

(a) Provide for technical analysis of suitable existing satellite receiving equipment at Florida public postsecondary institutions for inclusion in the network.

(b) Acquire by competitive sealed bid and place appropriate receiving equipment in those community college regions of the state in which such equipment is presently not available at a public postsecondary institution.

(c) Develop an implementation plan which provides for designation of a site in each community college region for inclusion in the initial network. Criteria for selection shall include:

1. Accessibility to a substantial portion of the population of the region.

2. Demonstrated institutional commitment to support and encourage use of the network both within the region and statewide.

3. Willingness to complement state support with matching institutional resources.

4. Evidence of cooperation and coordinated planning with other postsecondary institutions in the region.

5. Availability of existing telecommunications equipment which is compatible or adaptable for use in the network.

(d) Identify additional sites for inclusion in the network in the event that demand exceeds the capacity of the initial network.

(e) Coordinate scheduling and encourage use of the network.

(f) Develop operating procedures for the system and recommend fee schedules for both public and private entities wishing to transmit or receive programming through the network. Scheduling procedures shall assign the highest priority to educational programming.

(g) Provide training for institutional, state agency, and other personnel in effective techniques for the use of the network.

(h) Provide initial startup support for operations, maintenance, and publicity costs of the network. Continuation costs in these areas shall be recovered through user fees and local resources.

Section 171. Subsection (2) of section 235.018, Florida Statutes, is amended to read:

235.018 Delegation of review and approval authority.—

(2) The office may delegate its review, approval, and inspection process as required in s. 235.26(5) to the Department of *Management General Services*.

Section 172. Paragraphs (f) and (g) of subsection (2) of section 235.26, Florida Statutes, are amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The State Board of Education shall adopt a uniform statewide building code for planning and construction of public educational and ancillary plants, except for Board of Regents facilities. The code shall be entitled the State Uniform Building Code for Public Educa-

tional Facilities Construction. Included in this code shall be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R., Parts 59 and 60, established by the Federal Emergency Management Agency, effective October 1, 1986. Wherever the words "Uniform Building Code" appear, they shall mean the "State Uniform Building Code for Public Educational Facilities Construction." It shall not be the intent of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor shall it specify or prohibit materials by brand names. The code shall be flexible enough to cover all phases of construction which will afford reasonable protection for public safety, health, and general welfare. The office may secure the service of other state agencies or such other assistance as it may find desirable in the revision of the code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A board shall not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. It shall also be the responsibility of the office to develop, as a part of the Uniform Building Code, standards relating to:

(f) An energy performance index which shall be a number describing the energy requirements at the building boundary of a facility, per square foot of floor space, under defined internal and external ambient conditions over an annual cycle. As experience develops on the energy performance achieved by the facility, the energy performance index will serve as a measure of building performance with respect to energy consumption and as a guide for the revision of the energy performance index used in the design of future facilities. The energy performance index will consider the energy efficiency of the facility so as to minimize the consumption of energy used in the operation and maintenance of the facility. The office may adopt standards for the energy performance index or portions thereof already established by the Department of *Management General Services* under ss. 255.251-255.256.

(g) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis shall be the sum of:

a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the office shall develop standards that shall include, but not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards shall be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of *Management General Services* and the office. Provisions shall be made for an annual updating of standards as required.

Section 173. Section 240.225, Florida Statutes, is amended to read:

240.225 Applicability of certain sections.—The Department of *Management General Services* shall, by rule, provide for delegation to the State University System of the functions and duties in ss. 273.04, 273.05,

and 273.055 and chapter 287 as they pertain to the State University System. The Governor and Cabinet, sitting as the State Board of Education, shall approve or disapprove the award of information technology resources procurements under s. 287.073 for the State University System which are reviewed by the Board of Regents pursuant to this section. No additional positions shall be authorized for the State University System to implement the provisions of this section.

Section 174. Section 240.417, Florida Statutes, is amended to read:

240.417 Increased registration or tuition fees for funding financial aid program.—Student registration or tuition fees at each state university and public community college shall include up to \$4.68 per quarter, or \$7.02 per semester, per full-time student, or the per-student credit hour equivalents of such amounts. These funds shall be paid into the Student Financial Aid Trust Fund, to be maintained in a separate account therein and administered by the Department of Education under the provisions of this act. The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. 240.441. If the Division of Bond Finance of the *State Board Department of Administration General Services* and the Commissioner of Education determine that such fees are no longer required as security for revenue bonds issued pursuant to ss. 240.439-240.463, moneys previously collected pursuant to this section which are held in escrow, after administrative expenses have been met and up to \$150,000 has been used to establish a financial aid data processing system for the State University System incorporating the necessary features to meet the needs of all nine universities for application through disbursement processing, shall be reallocated to the generating institutions to be used for student financial aid programs, including, but not limited to, scholarships and grants for educational purposes. Upon such determination, such fees shall no longer be assessed and collected.

Section 175. Subsection (2) of section 240.441, Florida Statutes, is amended to read:

240.441 Issuance of revenue bonds pursuant to s. 15, Art. VII, State Constitution.—

(2) The amount of such revenue bonds to be issued shall be determined by the Division of Bond Finance of the *State Board Department of Administration General Services*. However, the total principal amount outstanding shall not exceed \$80 million, other than refunding bonds issued pursuant to s. 215.79

Section 176. Subsection (1) of section 253.45, Florida Statutes, is amended to read:

253.45 Sale or lease of phosphate, clay, minerals, etc., in or under state lands.—

(1) The Board of Trustees of the Internal Improvement Trust Fund may sell or lease any phosphate, earth or clay, sand, gravel, shell, mineral, metal, timber or water, or any other substance similar to the foregoing, in, on, or under, any land the title to which is vested in the state, the Department of *Management General Services*, the Department of Natural Resources, the Game and Fresh Water Fish Commission, the State Board of Education, or any other state board, department, or agency; provided that the board of trustees may not grant such a sale or lease on the land of any other state board, department, or agency without first obtaining approval therefrom. No sale or lease provided for in this section shall be allowed on hard-surfaced beaches that are used for bathing or driving and areas contiguous thereto out to a mean low-water depth of 3 feet and landward to the nearest paved public road. Any sale or lease provided for in this section shall be conducted by competitive bidding as provided for in ss. 253.52, 253.53, and 253.54. The proceeds of such sales or leases are to be credited to the board of trustees, board, department, or agency which has title or control of the land involved.

Section 177. Section 255.02, Florida Statutes, is amended to read:

255.02 Boards authorized to replace buildings destroyed by fire.—The Department of *Management General Services*, the Board of Regents of the Department of Education, or any other board or person having the direct supervision and control of any state building or state property, may have rebuilt or replaced, out of the proceeds from the fire insurance on such buildings or property, any buildings or property owned by the state, which may be destroyed in whole or in part by fire.

Section 178. Subsection (2) of section 255.043, Florida Statutes, is amended to read:

255.043 Art in state buildings.—

(2) The Department of *Management General Services*, the Board of Regents, or other state agencies receiving appropriations for original constructions shall notify the Florida Arts Council and the user agency of any construction project which is eligible under the provisions of this section. The Department of *Management General Services*, the Board of Regents, or other state agency shall determine the amount to be made available for purchase or commission of works of art for each project and shall report these amounts to the Florida Arts Council and the user agency. Payments therefor shall be made from funds appropriated for fixed capital outlay according to law.

Section 179. Subsection (1) of section 255.05, Florida Statutes, is amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state the name and principal business address of both the principal and the surety and must contain a description of the project sufficient to identify it. Such bond shall be conditioned that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all persons defined in s. 713.01 whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for \$100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for \$200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the *executive* director of the Department of *Management General Services* may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than \$100,000 but less than \$200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption. The Department of *Management General Services* shall compile an annual report that lists the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and states whether any request for delegation was denied and the justification for the denial. The report shall be submitted no later than February 1 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the Senate and the House of Representatives, and the Small and Minority Business Advisory Council.

(b) The Department of *Management General Services* shall adopt rules with respect to all contracts for \$200,000 or less, to provide:

1. Procedures for retaining up to 10 percent of each request for payment submitted by a contractor and procedures for determining disbursements from the amount retained on a pro rata basis to laborers, materialmen, and subcontractors, as defined in s. 713.01.

2. Procedures for requiring certification from laborers, materialmen, and subcontractors, as defined in s. 713.01, prior to final payment to the contractor that such laborers, materialmen, and subcontractors have no claims against the contractor resulting from the completion of the work provided for in the contract.

The state shall not be held liable to any laborer, materialman, or subcontractor for any amounts greater than the pro rata share as determined under this section.

Section 180. Subsection (2) of section 255.21, Florida Statutes, is amended to read:

255.21 Special facilities for physically disabled.—

(2) The Department of *Management General Services* shall establish, by rule, a standing code panel to consider modification or waivers to handicapped standards and other codes and standards for state building designs.

Section 181. Subsections (1), (2), (4), and (6) of section 255.245, Florida Statutes, are amended to read:

255.245 State-owned office buildings; rental fees.—

(1) The Department of *Management General Services* shall, by rule or regulation, adopt a fee schedule for the rental of space occupied by state agencies and other authorized occupants in office buildings owned by the state, taking into consideration debt service obligations, if any, costs of operation, security, maintenance, repair, renovation, rental fees for comparable space in privately owned buildings, contractual or property rights encumbering such buildings, if any, and other factors deemed to be material for such purpose. The adoption of the fee schedule, and of modifications thereto from time to time as needed, by the Department of *Management General Services* shall be subject to prior approval by the Administration Commission.

(2) The Department of *Management General Services* shall, in adopting a fee schedule for the rental of space in state-owned office buildings, adopt rental fees to assure that the space will be self-supporting from the income derived from the rental fees and that such income will be sufficient for the payment of debt service obligations, if any, and the costs of operation, security, maintenance, repair, and renovation.

(4) A copy of the fee schedule adopted by the Department of *Management General Services* shall be furnished to each state agency, the President of the Senate, and the Speaker of the House of Representatives prior to September 1, 1975, for use in the preparation of the legislative budget and Appropriations Act for fiscal year 1976-1977 and each fiscal year thereafter. In its legislative budget for fiscal year 1976-1977 and each fiscal year thereafter, each state agency shall show the state-owned office buildings in which it occupies space and the number of square feet it occupies in each and shall include in its legislative budget the rental fee for such space calculated according to the fee schedule.

(6) Income derived from rental fees pursuant to subsection (5) shall be collected by the Division of Facilities Management of the Department of *Management General Services* and deposited in a trust fund for the payment of debt service obligations, costs of operation, security, maintenance, repair, renovation, or further construction of such office buildings, pursuant to appropriations by the Legislature for such purposes.

Section 182. Paragraph (a) of subsection (2) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(2)(a) Except as provided in s. 255.2501, no state agency may lease a building or any part thereof unless prior approval of the lease conditions and of the need therefor is first obtained from the Division of Facilities Management. Any approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the division subject to final approval by the head of the Department of *Management General Services* and s. 255.2502.

Section 183. Subsection (1) of section 255.253, Florida Statutes, is amended to read:

255.253 Definitions; ss. 255.251-255.258.—

(1) "Division" means the Division of Building Construction of the Department of *Management General Services*.

Section 184. Subsection (4) of section 255.258, Florida Statutes, is amended to read:

255.258 Shared savings financing of energy conservation in state-owned buildings.—

(4) Agencies desiring to implement shared savings demonstration programs prior to adoption of formal rules shall do so in cooperation with the Department of Community Affairs and the Department of *Management General Services*.

Section 185. Subsections (2) and (3) of section 255.259, Florida Statutes, are amended to read:

255.259 Xeriscape landscaping on public property.—

(2) As used in this section, "publicly owned buildings or facilities" means those construction projects under the purview of the Department of *Management General Services*. It does not include environmentally endangered land or roads and highway construction under the purview of the Department of Transportation.

(3) The Department of *Management General Services*, in consultation with the Department of Environmental Regulation and the Department of Natural Resources, shall, by June 30, 1992, adopt rules and guidelines for the required use of Xeriscape on public property associated with publicly owned buildings or facilities constructed after June 30, 1992. The Department of *Management General Services* also shall develop a 5-year program for phasing in the use of Xeriscape on public property associated with publicly owned buildings or facilities constructed before July 1, 1992. In accomplishing these tasks, the Department of *Management General Services* shall take into account the guidelines set out in s. 373.185(2)(a)-(f). The Department of Transportation shall implement Xeriscape landscaping pursuant to s. 335.167.

Section 186. Paragraphs (c) and (d) of subsection (1) of section 255.28, Florida Statutes, are amended to read:

255.28 Department authority to acquire land with or for facility thereon.—

(1) For the purposes of this section:

(c) "Building" or "facility" means those construction projects under the purview of the Department of *Management General Services*. It shall not include environmentally endangered land, recreational land, or roads and highway construction under the purview of the Department of Transportation.

(d) "Department" means the Department of *Management General Services*.

Section 187. Section 255.29, Florida Statutes, is amended to read:

255.29 Construction contracts; department rules.—The Department of *Management General Services* shall establish, through the ~~adoption~~ promulgation of administrative rules as provided in chapter 120:

(1) Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts, including procedures for the rejection of bidders who are reasonably determined from prior experience to be unqualified or irresponsible to perform the work required by a proposed contract.

(2) Procedures for awarding each state agency construction project to the lowest qualified bidder as well as procedures to be followed in cases in which the Department of *Management General Services* declares a valid emergency to exist which would necessitate the waiver of the rules governing the awarding of state construction contracts to the lowest qualified bidder.

(3) Procedures to govern negotiations for construction contracts and modifications to contract documents when such negotiations are determined by the executive director of the Department of *Management General Services* to be in the best interest of the state.

(4) Procedures for entering into performance-based contracts for the development of public facilities when the Department of *Management General Services* determines the use of such contracts to be in the best interest of the state. The procedures shall include, but are not limited to:

(a) Prequalification of bidders;

(b) Criteria to be used in developing requests for proposals which may provide for singular responsibility for design and construction, developer flexibility in material selection, construction techniques, and application of state-of-the-art improvements;

(c) Accelerated scheduling, including the development of plans, designs, and construction simultaneously; and

(d) Evaluation of proposals and award of contracts considering such factors as price, quality, and concept of the proposal.

Section 188. Subsection (1) of section 255.30, Florida Statutes, is amended to read:

255.30 Fixed capital outlay projects; department rules; delegation of supervisory authority; delegation of responsibility for accounting records.—

(1) The Department of *Management General Services* shall make and ~~adopt~~ promulgate rules pursuant to chapter 120 in order to establish a procedure for delegating to state agencies its supervisory authority as it relates to the repair, alteration, and construction of fixed capital outlay projects.

Section 189. Section 255.45, Florida Statutes, is amended to read:

255.45 Correction of firesafety violations in certain state-owned property.—The Division of Facilities Management of the Department of *Management General Services* is responsible for ensuring that firesafety violations that are noted by the State Fire Marshal pursuant to s. 633.085 are corrected as soon as practicable for all state-owned property which is leased from the Department of *Management General Services*.

Section 190. Section 255.451, Florida Statutes, is amended to read:

255.451 Electronic firesafety and security system.—The management responsibility of the electronic firesafety and security system located within the Capitol and any system associated therewith is vested in the Division of Facilities Management of the Department of *Management General Services*.

Section 191. Paragraph (g) of subsection (4), subsections (6) and (7), paragraph (c) of subsection (14), and subsection (16) of section 255.502, Florida Statutes, are amended to read:

255.502 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the context otherwise requires:

(4) "Authorized investments" means and includes without limitation any investment in:

(g) Bonds issued by the Florida State Improvement Commission, Florida Development Commission, or Division of Bond Finance of the *State Board Department of Administration General Services*.

Investments in any security authorized in this subsection may be under repurchase agreements or reverse repurchase agreements.

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

(7) "Eligible facility" means all state-owned facilities under the jurisdiction of the Department of *Management General Services* and all other state-owned facilities except those having less than 3,000 square feet.

(14) "Qualified facility" means an eligible facility which is either:

(c) Under the jurisdiction of the Department of *Management General Services*.

(16) "Revenue bonds" means any bonds, debentures, notes, certificates, or other evidences of financial indebtedness, whether certificated or noncertificated, issued by the division on behalf of the Division of Facilities Management of the Department of *Management General Services* under and pursuant to this act, including, but not limited to, variable rate obligations, designated maturity obligations, capital appreciation bonds, original issue discount bonds, and multimodal instruments or obligations, or instruments combining any of the foregoing.

Section 192. Subsection (1) of section 255.506, Florida Statutes, is amended to read:

255.506 Facilities in pool.—The following facilities shall be entered into the pool:

(1) All existing state-owned facilities under the jurisdiction of the Department of *Management General Services* shall be entered into the pool upon the creation of the pool.

Section 193. Paragraph (a) of subsection (1) of section 255.518, Florida Statutes, is amended to read:

255.518 Obligations; purpose, terms, approval, limitations.—

(1)(a) The issuance of obligations shall provide sufficient funds to achieve the purposes of this act; pay interest on obligations except as provided in paragraph (b); pay expenses incident to the issuance and sale of any obligations issued pursuant to this act, including costs of validating, printing, and delivering the obligations, printing the official statement, publishing notices of sale of the obligations, and related administrative expenses; pay building acquisition and construction costs; and pay all other capital expenditures of the Division of Facilities Management and the division incident to and necessary to carry out the purposes and powers granted by this act, subject to the provisions of section 11(e), Article VII of the State Constitution and the applicable provisions of the State Bond Act. Such obligations shall be payable solely from the pool pledged revenues identified to such obligation. Proceeds of obligations may not be used to pay building acquisition or construction costs for any facility until the Legislature has appropriated funds from other sources estimated to be necessary for all costs relating to the initial planning, preliminary design and programming, and land acquisition for such facility and until such planning, design, and land acquisition activities have been completed. Obligation proceeds for building construction, renovation, or acquisition shall be requested for appropriation in any fiscal year by the Department of *Management General Services* only if the department estimates that such construction, renovation, or acquisition can be initiated during such fiscal year.

Section 194. Section 255.555, Florida Statutes, is amended to read:

255.555 Records.—Each state agency which finds that it has asbestos-containing materials in any public building for which it is responsible shall prepare and maintain a record containing a report summarizing the survey, including the hazard assessment, drawings and photographs of the sample area, and estimates of the quantities of hazardous materials. The agency shall, within 30 days of receipt of said survey, submit a copy of the survey to the regional asbestos program manager and a summary to the Department of *Management General Services*.

Section 195. Section 255.565, Florida Statutes, is amended to read:

255.565 Asbestos Oversight Program Team.—There is created an Asbestos Oversight Program Team which shall consist of the Asbestos Program Coordinator appointed by the Secretary of Labor and Employment Security, one member appointed by the Secretary of Health and Rehabilitative Services, one member appointed by the Secretary of Environmental Regulation, one member appointed by the Secretary of Professional Regulation, one member appointed by the Chancellor of the State University System, one member appointed by the Department of Education, and one member appointed by the Executive Director of the Department of *Management General Services*. The Asbestos Oversight Program Team shall be responsible for asbestos policy development, regulatory review, asbestos training course approval, and coordination with regional asbestos project managers and building contact persons on policy and procedures.

Section 196. Subsection (5) of section 259.03, Florida Statutes, is amended to read:

259.03 Definitions.—The following terms and phrases when used in ss. 259.01-259.06 shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(5) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 197. Paragraph (c) of subsection (3) of section 265.284, Florida Statutes, is amended to read:

265.284 Chief cultural officer; director of division; powers and duties.—

(3) The Division of Cultural Affairs shall have direct administrative authority and responsibility for all of the programs authorized by this act. In furtherance thereof, the division shall have the authority to:

(c) Seek, and help assure, a uniformity of artwork within state buildings and review all art content of existing public buildings or buildings of state ownership for the purpose of making recommendations to the Department of *Management General Services* as to matters of installation, relocation, restoration, removal, or any other disposition of such works of art.

Section 198. Paragraph (h) of subsection (2) of section 265.285, Florida Statutes, is amended to read:

265.285 Florida Arts Council; membership, duties.—

(2) The duties of the council shall be to:

(h) Promote the decoration and beautification of the interiors of the Capitol Building and other public buildings and advise appropriate state officers, state agencies, and the Department of *Management General Services* in this regard.

Section 199. Paragraph (a) of subsection (2) of section 265.2865, Florida Statutes, is amended to read:

265.2865 Florida Artists Hall of Fame.—

(2)(a) There is hereby created the Florida Artists Hall of Fame. The Florida Arts Council shall identify an appropriate location in the public area of a building in the Capitol Center that is under the jurisdiction of the Division of Facilities Management of the Department of *Management General Services*, which location shall be set aside by the Division of Facilities Management and designated as the Florida Artists Hall of Fame.

Section 200. Subsection (6) of section 267.061, Florida Statutes, is amended to read:

267.061 Historic properties; state policy, responsibilities.—

(6) DEPARTMENT OF *MANAGEMENT GENERAL SERVICES*.—The Department of *Management General Services*, in consultation with the division, shall adopt rules for the renovation of historic properties which are owned or leased by the state. Such rules shall be based on national guidelines for historic renovation, including the standards for rehabilitation adopted by the United States Secretary of the Interior.

Section 201. Subsections (1) and (2) of section 270.27, Florida Statutes, are amended to read:

270.27 Sale of unused public lands.—

(1) The Department of *Management General Services* is hereby authorized to sell, to the best possible advantage, any or all detached pieces or parcels of land held by the state for the use of any institution under the supervision and control of the department, whenever, in the judgment of the department, such detached pieces or parcels of land are not suitable for, or necessary and useful in, the operation and maintenance of such institution, and the proceeds from the sale of such land could be used to better advantage than said land in the operation and maintenance of such institution.

(2) The proceeds derived from the sale of any land, as authorized in this section, shall be deposited in the State Treasury to the account of the Department of *Management General Services* for the use of the particular institution from the sale of whose lands said funds were derived. Such funds may be used, from time to time, by the department for the purpose of acquiring additional lands that may be needed for the particular institution credited with such funds, or for needed buildings or repairs for such institution, in the discretion of the department; and such funds, when obtained, are hereby appropriated for such purposes.

Section 202. Subsection (1) of section 272.03, Florida Statutes, is amended to read:

272.03 Division of Facilities Management to supervise Capitol Center buildings; title in state.—

(1) All state buildings now or hereafter constructed included in the Capitol Center at the state capital and the grounds and squares contiguous thereto shall be under the general control, custodianship, and supervision of the Division of Facilities Management of the Department of *Management General Services*.

Section 203. Section 272.04, Florida Statutes, is amended to read:

272.04 Division to allocate space.—The Division of Facilities Management of the Department of *Management General Services* shall have authority to allocate space to house the various departments, agencies, boards, and commissions in said buildings, excepting, however, the new Supreme Court Building, for which authority shall be vested in the justices of the Supreme Court.

Section 204. Section 272.05, Florida Statutes, is amended to read:

272.05 Budgets for repair and maintenance; review.—The Division of Facilities Management of the Department of *Management General Ser-*

vices and the Executive Office of the Governor shall be empowered to review, change, and modify the budgets of the departments, agencies, boards, and commissions relating to the repair, upkeep, and maintenance of said buildings.

Section 205. Section 272.06, Florida Statutes, is amended to read:

272.06 Authority to enter into contracts to provide utility services for buildings.—The Division of Facilities Management of the Department of *Management General Services* may provide or enter into contracts to provide heating, power, lighting, cooling systems, and other necessary services or facilities for any or all of said buildings.

Section 206. Section 272.07, Florida Statutes, is amended to read:

272.07 Division may provide for parks, drives, and walkways.—The Division of Facilities Management of the Department of *Management General Services* may provide for the establishment of parks, drives, walkways, and parkways on said grounds and squares and for the supervision, regulation, and maintenance of the same, including traffic and parking thereon.

Section 207. Section 272.08, Florida Statutes, is amended to read:

272.08 Duty of repair, maintenance, and supervision.—Except when otherwise directed by the Division of Facilities Management of the Department of *Management General Services*, the official or officials now having the duty of repair, care, maintenance, and supervision of any of said buildings shall continue to exercise such authority.

Section 208. Section 272.09, Florida Statutes, is amended to read:

272.09 Management, maintenance, and upkeep of Capitol Center.—The management, maintenance, and upkeep of the Capitol Center as defined in s. 272.03, are hereby vested in and made the direct obligation of the Division of Facilities Management of the Department of *Management General Services*, which shall have authority to do all things necessary to satisfactorily accomplish these functions, including the employment of a superintendent of grounds and buildings and other employees; the establishment of central repair and maintenance shops; and the designation or appointment of nonsalaried advisory committees to advise with them.

Section 209. Paragraph (a) of subsection (2), paragraph (b) of subsection (3), and subsections (5) and (7) of section 272.12, Florida Statutes, are amended to read:

272.12 Florida Capitol Center Planning District.—

(2)(a) There is hereby created within the Department of *Management General Services* a Capitol Center Planning Commission to be composed of seven persons, hereinafter referred to as the "planning commission." Membership on the planning commission shall be as follows: Four private citizens who have distinguished themselves in planning, architecture, zoning, or such other fields as would promote the intent of this act shall be appointed by the Governor; two members shall be appointed by the City Commission of the City of Tallahassee; and one member shall be appointed by the Board of County Commissioners of Leon County. All members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(3)

(b) The commission shall obtain such professional, expert, clerical, or other assistance from the Department of *Management General Services* as may be required to carry out the purposes of this act.

(5) Upon the adoption by the planning commission of a plan for development within the district or upon the adoption by the planning commission of an order to the City of Tallahassee and to Leon County, no building permit may be issued by the City of Tallahassee or Leon County for any development proposal within the district unless the development proposal is first certified by the Department of *Management General Services* to comply with the provisions of this act. The commission shall ~~adopt~~ promulgate rules and regulations for the certification of development proposals by the Department of *Management General Services*. The commission may retain the authority to approve each development proposal or it may delegate that authority to the Department of *Management General Services*, provided the proposal is consistent with the overall plan for development of the district.



(7) The Division of Facilities Management of the Department of *Management General Services* is hereby authorized to purchase at fair market value any lands or buildings owned by the Department of Transportation within the Capitol Center. The Division of Facilities Management may use for this purpose any funds which are available to the division at the time of the purchase.

Section 210. Subsection (1) of section 272.121, Florida Statutes, is amended to read:

272.121 Capitol Center long-range planning.—

(1) The Division of Facilities Management of the Department of *Management General Services* shall develop a comprehensive and long-range plan for development within the Capitol Center, which plan, and amendments thereto, shall be presented to the planning commission for final approval. In developing this plan, the division shall consider:

(a) The most efficient, expeditious, and economical method of accomplishing the desired results.

(b) The architectural and aesthetic coordination of the proposed plan with the existing structures.

(c) The effective utilization of all available space so as to minimize waste.

(d) The plans adopted by the local planning agencies in Leon County.

Section 211. Section 272.122, Florida Statutes, is amended to read:

272.122 Acquisition of land for state buildings and facilities in the Capitol Center.—The Division of Facilities Management of the Department of *Management General Services* is hereby authorized and directed to acquire both land and buildings now needed or to be needed for use, in whole or in part, by state government or any agency, board, bureau, or commission thereof. However, no building can be constructed or land acquired under this section without specific legislative approval. The acquisition of the land, buildings, and facilities may be financed by grants, by direct appropriations, or by the issuance of revenue bonds or certificates pledging the revenues and rentals derived from the use of the buildings and facilities. The Department of *Management General Services* is expressly authorized to issue revenue certificates to carry out the purposes of this section. Title to any lands acquired pursuant to this section shall be vested in the Board of Trustees of the Internal Improvement Trust Fund for the use and benefit of the State of Florida.

Section 212. Section 272.124, Florida Statutes, is amended to read:

272.124 Division of Facilities Management; power to contract.—The Division of Facilities Management of the Department of *Management General Services* is authorized and empowered to make and enter into any contract or agreement, with any person or agency, public or private, to lease, buy, acquire, construct, hold, or dispose of real and personal property necessary to carry out the objects and purposes of this act; however, no contract may be entered into without specific authorization of the Legislature for the project. Lands shall be acquired by the Division of Facilities Management in accordance with acquisition procedures for state lands provided for in s. 253.025.

Section 213. Subsection (2) of section 272.129, Florida Statutes, is amended to read:

272.129 Florida Historic Capitol; space allocation; maintenance, repair, and security.—

(2) Custodial and preventive maintenance, repair, and security of the entire Historic Capitol and the grounds located adjacent thereto shall be the responsibility of the Department of *Management General Services*, subject to the special requirements of the building as determined by the Capitol Curator.

Section 214. Subsections (1) and (4) of section 272.16, Florida Statutes, are amended to read:

272.16 Parking areas within Capitol Center area.—

(1) The Division of Facilities Management of the Department of *Management General Services* may assign parking areas within the Capitol Center area to a state agency for its own use or for reassignment to state officers and employees employed in Tallahassee; however, parking areas must be provided for members of the Legislature during sessions of the Legislature, regular and extraordinary. Not more than 15 percent of

said parking areas may be set aside for the use of persons temporarily visiting or attending to business in the Capitol Center area who reside beyond the territorial limits of the City of Tallahassee. Any remaining portion of the parking areas not assigned as aforesaid may be limited in period of time for use. However, the Department of *Management General Services* shall have no power to assign parking spaces in the legislative office buildings, nor shall those spaces and spaces in the parking facility within the Capitol Building which are allocated to the Legislature be included under the provisions of this section and s. 272.161(1), except as provided in subsection (2) of this section.

(4) The Department of *Management General Services* shall adopt such rules as are necessary to carry out the purposes of subsections (1) and (3).

Section 215. Section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces.—

(1)(a) The Department of *Management General Services* may assign a reserved parking space to any state employee, qualified state employee car pool, provider of essential services to the state, or state agency for reassignment to its employees. Any state agency assigned a reserved parking space shall charge the user of such space, except a qualified state employee car pool, a fee in accordance with guidelines established by the department.

(b) Any state agency assigned a reserved parking space which is not rented for a period of 7 consecutive days shall return such space to the department for reassignment. All state agencies assigned reserved parking spaces shall assure the timely payment of assessed rent to the department.

(c) Assignments of reserved parking spaces shall be limited to the amount of available parking under the supervision of the department. Preference in the assignment of reserved parking spaces shall be given qualified state employee car pools. A state agency, employee, state employee car pool, or provider of essential services may request a reserved parking space in a manner prescribed by the department.

(d) The Auditor General shall conduct an audit of state employee parking in non-state-owned parking lots and shall make a recommendation to the Legislature before the 1986 session, for an equitable rate-setting mechanism to ensure that state employees, who, by job description, are required to own an automobile as a condition of employment, are not subjected to higher parking rates than the average rate for employees in state-owned parking facilities.

(2) All employee parking fees shall be payable by the payroll deduction plan, periodically according to the employee's pay schedule, to the Department of *Management General Services* or to the contracting agency.

(3) All fees collected by the Department of *Management General Services* under the provisions of this section shall be deposited in the Paid Parking Trust Fund, which is hereby created. The department shall account for the revenues and expenditures related to the paid parking program in compliance with the provisions of s. 215.32(2)(b). The revenues collected from parking fees shall be used for the maintenance, minor construction, enforcement, security, and administration of parking facilities and programs.

(4) The Department of *Management General Services* shall adopt such rules as are necessary to carry out the purposes of this section. The department shall establish guidelines for qualifying as a state employee car pool and for the preferential assignment of reserved spaces to car pools.

(5) The Department of *Management General Services* shall establish fees on all state-owned reserved parking spaces, except those assigned to qualified state employee car pools, under the jurisdiction of the department. The department shall also issue loading zone permits and scramble parking permits for a fee sufficient to cover the cost of administering the permits and maintaining the parking areas.

(6) The Department of *Management General Services* shall have the authority to remove or tow away, or cause to be removed or towed away, any wrongfully parked vehicle in any assigned or reserved parking space or area under the control of the Department of *Management General Services* throughout the state at the expense of the owner of the wrongfully parked vehicle.

Section 216. Paragraph (a) of subsection (1), paragraphs (b) and (c) of subsection (2), and paragraph (b) of subsection (3) of section 272.18, Florida Statutes, are amended to read:

272.18 Governor's Mansion Commission.—

(1)(a) There is created within the Department of *Management General Services* a Governor's Mansion Commission to be composed of eight members. Five members shall be private citizens appointed by the Governor and subject to confirmation by the Senate; one member shall be the Director of the Division of Facilities Management of the Department of *Management General Services*; one member shall be the Director of the Division of Recreation and Parks of the Department of Natural Resources; and one member shall be designated by the Secretary of State and shall be an employee of the Department of State with curatorial and museum expertise. The Governor shall appoint all citizen members for 4-year terms. The Governor shall fill vacancies for the remainder of unexpired terms. The spouse of the Governor or the designated representative of the Governor shall be an ex officio member of the commission but shall have no voting rights except in the case of a tie vote.

(2)

(b) The commission shall obtain clerical, expert, technical, or other services from the Department of *Management General Services* as the commission requires to carry out the purposes of this section.

(c) Members of the commission shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. All expenses of the commission shall be paid from appropriations to be made by the Legislature to the Department of *Management General Services* for that purpose. The commission shall submit its budgetary requests to the Department of *Management General Services* for approval and inclusion in the legislative budget request of the department. All vouchers shall be approved by the Executive Director of the Department of *Management General Services* before being submitted to the Comptroller for payment.

(3)

(b) The commission shall recommend for approval by the Governor and Cabinet, ~~as head of the Department of General Services~~, any major changes in the architecture, furniture, furnishings, fixtures, or decorative objects of the Governor's Mansion, the structures thereon, or the landscaping of the grounds.

Section 217. Paragraph (a) of subsection (1) and subsection (2) of section 272.185, Florida Statutes, are amended to read:

272.185 Maintenance of Governor's Mansion by Division of Facilities Management.—

(1) POWERS AND DUTIES OF DIVISION.—

(a) The Division of Facilities Management of the Department of *Management General Services* shall maintain all structures, furnishings, equipment, and grounds of the Governor's Mansion, except that the exterior facades; the landscaping of the grounds; the antique furnishings in the private quarters; the interiors of the state rooms; and the articles of furniture, fixtures, and decorative objects used or displayed in the state rooms shall be maintained pursuant to the directives of the Governor's Mansion Commission.

(2) FINANCING; BUDGETS.—The division shall submit its budgetary requirements to the Department of *Management General Services* for its approval and inclusion in legislative budget requests.

Section 218. Section 273.04, Florida Statutes, is amended to read:

273.04 Property acquisition.—Whenever acquiring property, the custodian may pay the purchase price in full or may exchange property with the seller as a trade-in after first offering such exchange property for sale to the *Bureau Division* of Surplus Property of the *Division of Purchasing of the Department of Management General Services*. The *Bureau Division* of Surplus Property may purchase the exchange property for the amount of the trade-in allowance offered by the seller. The receipts from such sales are hereby appropriated and may be applied to the cost of the property acquisition. The *bureau division* may authorize the custodian to exchange property with the seller as a trade-in and apply the exchange allowance to the cost of the property acquired. If, whenever acquiring property, the custodian may best serve the interests of the state by outright sale of property rather than by exchange as a trade-in, the custo-

dian he may make the sale in the manner prescribed in this act for the disposal of surplus property; and the receipts from the sale are hereby appropriated and may be applied to the cost of the property acquired, except that the value of the property sold must not exceed the approximate value of the property acquired, and the property to be acquired shall be contracted for within 2 years after the date that the same ~~bien-nium in which the property sold is disposed of~~.

Section 219. Section 273.05, Florida Statutes, is amended to read:

273.05 Surplus property.—The custodian ~~may shall have discretion~~ to classify as surplus any property in his custody that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function as to any activity or location under his supervision. The fact that property is surplus shall be certified to the *Bureau of Surplus Property of the Division of Purchasing of the Department of Management General Services*, together with information indicating the value and condition of the property.

Section 220. Subsection (1) of section 273.055, Florida Statutes, is amended to read:

273.055 Disposition of state-owned tangible personal property.—

(1) The *Bureau Division* of Surplus Property of the *Division of Purchasing of the Department of Management General Services* shall have all right, title, interest, and equity in all state-owned tangible personal property certified and transferred to it as surplus. The *bureau division* shall ~~adopt promulgate~~ administrative rules and regulations pursuant to chapter 120 providing for, but not limited to, the ~~assessing assessment~~ of fees for services rendered and ~~for classifying the classification, certifying certification, transferring transfer~~, warehousing, bidding, ~~destroying destruction~~, scrapping, or other ~~disposing disposal~~ of state-owned tangible personal property. However, the approval of the Division of Motor Pool ~~is shall be~~ required prior to the disposal of motor vehicles, watercraft, or aircraft pursuant to ss. 287.15 and 287.16.

Section 221. Section 281.02, Florida Statutes, is amended to read:

281.02 Powers and duties of the Division of Capitol Police.—The Division of Capitol Police of the Department of *Management General Services* has the following powers and duties:

(1) To establish a comprehensive and ongoing plan for the firesafety and security of the Capitol, the Senate Office Building, the House Office Building, and the Historic Capitol, including, but not limited to, the institution of programs for the awareness and training in firesafety and security of members of the Legislature and their employees, and all other elected officials and their respective employees, who occupy such buildings. The division shall also ensure that adequate signs and personnel are in place to inform and assist the occupants of and visitors to such buildings.

(2) To provide and maintain the firesafety and security of all state-owned property leased from the Department of *Management General Services*, excluding state universities and custodial institutions, the Governor's office, the Governor's mansion and the grounds thereof, and the Supreme Court.

(3) To develop emergency procedures and evacuation routes in the event of fire or disaster and to make such procedures and routes known to those persons occupying state-owned buildings leased from the Department of *Management General Services*.

(4) To employ:

(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 110, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and

(b) Guards and administrative, clerical, technical, and other personnel as may be required.

(5) To train agents and guards in fire prevention, firesafety, and emergency medical procedures.

(6) To respond to all complaints relating to criminal activity within state-owned buildings or state-leased property.

(7) To enforce rules of the Department of *Management General Services* governing the regulation of traffic and parking on state-owned or

state-leased property, including, but not limited to, issuing citations for the violation of such rules or the traffic laws of the state or any county or municipality and impounding illegally or wrongfully parked vehicles.

(8) To delegate its duties provided in this section to any state agency occupying such state-owned or state-leased property.

Section 222. Subsection (1) of section 281.07, Florida Statutes, is amended to read:

281.07 Rules; Division of Capitol Police; traffic regulation.—

(1) The Department of *Management General Services* shall adopt and promulgate rules to govern the administration, operation, and management of the Division of Capitol Police and to regulate traffic and parking on state-owned or state-leased property, which rules are not in conflict with any state law or county or municipal ordinance, and to carry out the provisions of ss. 281.02-281.09.

Section 223. Section 282.102, Florida Statutes, is amended to read:

282.102 Powers and duties of Division of Communications of the Department of *Management General Services*.—The Division of Communications of the Department of *Management General Services* shall have the following powers, duties, and functions:

(1) To develop a State Implementation Plan for Communications Services.

(2) To coordinate the purchase, lease, and use of all communications services for state government, including communications services provided as part of any other total system to be used by the state or any of its agencies.

(3) To advise state agencies and political subdivisions of the state as to systems or methods to be used to meet communications requirements efficiently and effectively.

(4) To consolidate the communications systems and services of state agencies and to provide for their joint use by the agencies when determined by the division to be economically efficient or performance-effective.

(5) To adopt technical standards for the state communications system which will assure the interconnection of computer networks and information systems of state agencies. Such standards must be in accordance with the policies and standards adopted by the Information Resource Commission.

(6) To assume management responsibility for any consolidated communications system or service when determined by the division to be economically efficient or performance-effective.

(7) To enter into agreements for the support and use of the communications services of state agencies and of political subdivisions of the state.

(8) To provide for the rendering of aid between state government and its political subdivisions with respect to the organizing of communication systems.

(9) To use or acquire, with agency concurrence and approval by the Governor and Cabinet, communications facilities now owned or operated by any state agency.

(10) To standardize policies and procedures for the use of such services.

(11) To delegate to state agencies the powers of acquisition, lease, and utilization of communications facilities and services.

(12) To purchase from or contract with suppliers and communications common carriers for communications facilities or services, including private line services.

(13) To apply for, receive, and hold, or assist agencies in applying for, receiving, or holding, such authorizations, licenses, and allocations or channels and frequencies to carry out the purposes of ss. 282.101-282.109.

(14) To acquire real estate, equipment, and other property.

(15) To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(16) Unless delegated to the agencies, to control and approve the purchase, lease, and use of all communications equipment and facilities, including communications services provided as part of any other total system to be used by the state or any of its agencies. This subsection does not apply to the data processing hardware of an agency defined in s. 282.303(4).

(17) To take ownership, custody, and control of existing communications equipment and facilities, with agency concurrence and approval by the Governor and Cabinet, including all right, title, interest, and equity therein, to carry out the purposes of ss. 282.101-282.109. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications or telephone company.

(18) To prescribe rules and regulations for the use of the state communications system.

(19) To provide a means whereby political subdivisions of the state may use utilize the state communications system upon such terms and under such conditions as the division may establish.

(20) To apply for and accept federal funds for any of the purposes of ss. 282.101-282.109 as well as gifts and donations from individuals, foundations, and private organizations.

(21) To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(22) Unless delegated to the agencies, to manage and control, but not intercept or interpret, communications within the SUNCOM Network, pursuant to the State Implementation Plan for Communications Services by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the standards and policies of all state agencies and the service agreements executed with state agencies.

(23) To plan, design, and conduct experiments in communications services, equipment, and technologies, and to implement enhancements in the state communications system when justified and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 1 percent of the annual budget for the SUNCOM Network for any fiscal year. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(24) To provide to the Information Resource Commission, by December 1 of each year, a forecast of proposed SUNCOM Network services for use by the commission in developing the State Strategic Plan for Information Resources Management.

(25) To submit to the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, the Information Resource Commission, and the Auditor General, by October 1 of each year, a performance report on the progress made, costs incurred, services provided, and benefits realized for the prior fiscal year as compared to the State Implementation Plan for the same period.

Section 224. Section 282.1021, Florida Statutes, is amended to read:

282.1021 State Implementation Plan for Communications Services.—

(1) The Division of Communications of the Department of *Management General Services* shall biennially develop a state plan for the implementation of communications services. At a minimum, the State Imple-

mentation Plan shall include descriptions of how the plan will support and further the goals and policies of the State Comprehensive Plan and the State Strategic Plan for Information Resources Management approved by the Information Resource Commission, and address the communications needs identified in each department's approved Strategic Plan for Information Resources Management. Such plan shall also include a general description of communications services available and planned to be made available during the plan period along with the estimated cost of providing those services. A copy of the proposed State Implementation Plan shall be sent to the executive administrator of the Information Resource Commission for his review and recommendations to the division.

(2) The State Implementation Plan shall be submitted to the Governor and Cabinet, sitting as the head of the *Information Resource Commission Department of General Services*, for approval on or before February 1 of each odd-numbered year. A copy of the recommendations by the executive administrator of the Information Resource Commission shall be provided to the Governor and Cabinet along with the final State Implementation Plan.

Section 225. Subsections (1) and (4) of section 282.103, Florida Statutes, are amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the Division of Communications of the Department of *Management General Services* the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(4) The SUNCOM Network shall not be considered a project as defined in s. 282.303(17) or included as an application in the information resources management schedule of the Department of *Management General Services* required by s. 216.031, its strategic plan required by s. 282.307, or its performance report required by s. 282.312.

Section 226. Subsection (1) of section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The Division of Communications of the Department of *Management General Services* shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Receive no more than 25 percent of its total revenue from any source other than a state agency or political subdivision of the state during each fiscal year for which authorization is sought; and

(b) Expend at least 75 percent of its total direct man-hours of labor required for the provision of services to the state or a political subdivision of the state.

Section 227. Subsection (1), and paragraph (a) of subsection (5) of section 282.1095, Florida Statutes, are amended to read:

282.1095 Mutual aid channel.—

(1) For the purpose of acquiring and implementing a statewide radio communications system to serve law enforcement units of state agencies and local law enforcement agencies through a mutual aid channel, the Joint Task Force on State Agency Law Enforcement Communications and the State Agency Law Enforcement Radio System Trust Fund are hereby established in the Department of *Management General Services* from July 1, 1988, through December 31, 2003. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 327.25.

(5)(a) The Division of Communications of the Department of *Management General Services* shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

Section 228. Subsection (1) of section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the Division of Communications of the Department of *Management General Services* with any information the division requests for the purpose of implementing the provisions of subsection (2).

Section 229. Subsection (1) of section 282.304, Florida Statutes, is amended to read:

282.304 Information Resource Commission.—

(1) There is created the Information Resource Commission, the membership of which shall be the Governor and Cabinet. The commission shall be placed in the Department of *Management General Services*. The Governor shall be the chairperson of the commission and may call a meeting of the commission when the need arises. All actions taken by the commission shall be based on approval by a simple majority.

Section 230. Subsections (1), (2), (3), (4), and (5) of section 282.3061, Florida Statutes, are amended to read:

282.3061 State Strategic Plan for Information Resources Management.—

(1) The executive administrator of the Information Resource Commission shall prepare for the commission's review and approval a State Strategic Plan for Information Resources Management by February 1 of each even-numbered year. The plan shall accurately reflect and provide for the implementation of the goals and policies of the State Comprehensive Plan. The State Strategic Plan for Information Resources Management shall:

(a) Provide a strategic direction for information resources management by state government for the ensuing 4 fiscal years.

(b) Establish state goals and objectives relating to information resources management.

(c) Provide long-range policy guidelines for the state in achieving integrated and efficient information resources management.

(d) Identify major statewide issues relating to improved information resources management by state government.

(e) Identify the priorities for new SUNCOM Network services to be implemented by the Division of Communications of the Department of *Management General Services*.

(2) In developing the State Strategic Plan for Information Resources Management, the executive administrator shall assess the current practices of state agencies regarding information resources management and current and future information resources management technologies and practices and their potential application in state government. In addition, the executive administrator shall consult with the Division of Communications of the Department of *Management General Services* as to the direction of development of communications and communications services in the state and in the industry.

(3) Prior to the approval of the State Strategic Plan for Information Resources Management, or amendments thereto, the executive administrator shall seek the advice of and consult with the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, the Supreme Court, the Board of Regents, the Division of Communications of the Department of *Management General Services*, and the Information Resources Management Advisory Council.

(4) The Executive Office of the Governor and the Division of Communications of the Department of *Management General Services* shall review the proposed State Strategic Plan for Information Resources Management and provide recommendations to the executive administrator. A copy of such recommendations shall also be provided to the commission.

(5) Copies of the approved State Strategic Plan for Information Resources Management, and amendments thereto, shall be forwarded to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Auditor General, all state agencies, and the Division of Communications of the Department of *Management General Services* for their use in developing the State Implementation Plan for Communications Services.

Section 231. Subsection (3) of section 282.3062, Florida Statutes, is amended to read:

282.3062 Annual Report on Information Resources Management.—

(3) Copies of the annual reports on information resources management shall be provided to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Auditor General, the Division of Communications of the Department of *Management General Services*, and all state agencies.

Section 232. Subsections (2) and (3) of section 282.307, Florida Statutes, are amended to read:

282.307 Strategic Plan for Information Resources Management; penalty for noncompliance.—

(2)(a) The commission shall develop instructions, in consultation with the Executive Office of the Governor and the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and, for the communications components of the plan, in consultation with the Division of Communications of the Department of *Management General Services*, that describe the planning components, specify format, and specify the criteria upon which the plan will be reviewed and evaluated. The criteria shall evaluate whether the plan supports and furthers the policies and objectives of the department's functional plan required under s. 186.021 and the goals and policies of the State Strategic Plan for Information Resources Management approved by the commission; whether the plan makes effective and efficient use of technology in support of the department's information needs; and whether the plan is technically feasible. The instructions shall be transmitted to each department no later than February 1 of each even-numbered year.

(b) The commission shall review and approve or disapprove the plan of each department no later than August 1 of each even-numbered year. Upon approval, copies of the plan shall be forwarded to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. Copies of the communications components of each plan shall be provided to the Division of Communications of the Department of *Management General Services* for use in developing the State Implementation Plan for Communications Services required under s. 282.1021. When a plan is disapproved, the basis for disapproval shall be presented to the information resource manager in writing. If the reasons for disapproval cannot be resolved within 30 days after receiving the basis for disapproval, the information resource manager shall notify the commission in writing why the department is unable to resolve the problems identified. Within 15 days after receiving the manager's response, the commission shall notify the information resource manager, in writing, of what actions are necessary for approval of the plan.

(3) The approved plan shall be supplemented by the department to reflect major changes in the direction of a project which has a 2-year total cost in excess of \$500,000. The approved plan may also be supplemented to reflect other changes which the department determines warrant a plan supplement. Supplements to the plan shall be submitted to the commission for approval. The commission may delegate to the executive administrator authority to approve supplements to plans. The commission shall establish criteria for such delegations of supplement approval authority. The commission shall forward a copy of the approved supplement to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General and, if the supplement affects communications components of the plan, to the Division of Communications of the Department of *Management General Services*.

Section 233. Subsection (3) of section 282.308, Florida Statutes, is amended to read:

282.308 State University System information resources management plan.—

(3) The president of each university or his designee shall serve as the information resource manager who is responsible for the preparation of the plan of the university and the Annual Performance Report required in s. 282.312; shall serve as a liaison with the information resource manager of the State University System and with the Division of Communications of the Department of *Management General Services*; and must approve all information resources management procurements of the university which have a purchase price in excess of the threshold amount for CATEGORY THREE purchases provided in s. 287.017.

Section 234. Section 282.309, Florida Statutes, is amended to read:

282.309 Judicial branch information resources management plans.—

(1) The Supreme Court, district courts of appeal, and circuit courts shall each prepare a Strategic Plan for Information Resources Management that reflects its projected 2-year information resources management needs. The format, content, and review criteria of the plans shall be prescribed by the Supreme Court. However, at a minimum, the plans shall address the planning components described in s. 282.307(1). The Supreme Court shall develop instructions, in consultation with the commission, the Division of Communications of the Department of *Management General Services*, the Executive Office of the Governor, and the appropriations committees of the Legislature, that describe the planning components, specify format, and specify the criteria upon which the plans will be reviewed and evaluated. These instructions shall be transmitted to each court no later than February 1 of each even-numbered year. The plans shall be submitted to the Supreme Court no later than May 1 of each even-numbered year. The Supreme Court shall review and approve or disapprove the plans of the courts no later than August 1 of each even-numbered year. A copy of each approved plan shall be provided to the commission, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. A copy of the communications components of each plan shall be provided to the Division of Communications of the Department of *Management General Services*.

(2) The Justice Administrative Commission, each state attorney, and each public defender shall prepare a Strategic Plan for Information Resources Management that reflects the projected 2-year information resources management needs of their respective offices. The format, content, and review criteria of the plan shall be prescribed by the Information Resource Commission. The plan shall comply with the requirements of s. 282.307. The Information Resource Commission shall transmit its instructions to the Justice Administrative Commission, each state attorney, and each public defender no later than February 1 of each even-numbered year. The plan shall be submitted to the Information Resource Commission no later than May 1 of each even-numbered year. Upon request, the Justice Administrative Commission may assist any state attorney or public defender in the preparation of his plan. The Information Resource Commission shall review and approve or disapprove each plan no later than August 1 of each even-numbered year. A copy of each approved plan shall be provided to the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, and the Auditor General. A copy of the communications components of each plan shall be provided to the Division of Communications of the Department of *Management General Services*.

Section 235. Section 282.311, Florida Statutes, is amended to read:

282.311 Information resource managers.—Each department executive director, secretary, or Cabinet officer; the executive director of the Justice Administrative Commission; and the state attorney and public defender for each judicial circuit, or their designees, shall serve as the information resource managers who are responsible for developing information resources management policies for their respective agencies in conformance with policies, standards, and rules established by the commission and shall coordinate all agency information resources management activities of their agencies. In addition, each information resource manager is responsible for the preparation of the Strategic Plan for Information Resources Management and the Annual Performance Report required in this chapter; shall serve as a liaison with the commission and the Division of Communications of the Department of *Management General Services*; and must approve all information resources management procurements of his agency which have a purchase price in excess of the

threshold amount for CATEGORY THREE purchases provided in s. 287.017. The Chief Justice of the Supreme Court and the Chancellor of the Board of Regents or their designees shall serve as the managers for the state courts system and the State University System, respectively.

Section 236. Subsections (1) and (3) of section 282.314, Florida Statutes, are amended to read:

**282.314 Information Resources Management Advisory Council.—**

(1) There is created an Information Resources Management Advisory Council to advise the executive administrator of the Information Resource Commission and the director of the Division of Communications of the Department of *Management General Services* regarding any matter relating to information resources management.

(3) The council shall annually elect a chairman from among its members. The Information Resource Commission and the Department of *Management General Services* shall provide the necessary staff support to the council. The council shall meet at least quarterly, upon the call of the chairman.

Section 237. Paragraph (e) of subsection (3) of section 282.318, Florida Statutes, is amended to read:

**282.318 Security of data and information technology resources.—**

(3)

(e) The Department of *Management General Services* shall:

1. Adopt rules and regulations for the physical security of central computer rooms consistent with the standards developed under subparagraph 1. of paragraph (d).

2. In those instances in which it develops state contracts for use by all agencies, include appropriate security requirements, as established in paragraph (d), in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 238. Section 282.402, Florida Statutes, is amended to read:

**282.402 Communications network.—**There is created the Florida Growth Management Data Communications Network to be operated by the Division of Communications of the Department of *Management General Services*, under the direction of the Florida Growth Management Data Network Coordinating Council. The network shall provide for the transfer of data related to growth management among state-automated information systems. The Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Regulation, the Department of Health and Rehabilitative Services, the Department of Natural Resources, and the Department of Transportation shall participate in the communications network. Each participating agency shall remain the functional owner of the data it provides to the network, and shall be responsible for the validity and timeliness of its data. Any fiscal data transmitted on the network shall meet the data coding requirements established by the Florida Fiscal Accounting Management Information System under the authority provided in s. 215.93.

Section 239. Subsection (2) of section 282.403, Florida Statutes, is amended to read:

**282.403 Coordinating council; creation; membership; duties.—**

(2) The membership of the coordinating council shall consist of the Director of Planning and Budgeting within the Executive Office of the Governor, the Executive Director of the Game and Fresh Water Fish Commission, the Executive Director of the Department of Natural Resources, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Regulation, the Department of Health and Rehabilitative Services, and the Department of Transportation. The Executive Director of the Department of *Management General Services* and the Executive Administrator of the Information Resource Commission, or their designees, shall serve without voting rights as ex officio members on the coordinating council. The Director of Planning and Budgeting of the Executive Office of the Governor, or his designee, shall serve as chairman and shall provide administrative and clerical support to the council. The chairman may call a meeting of the coordinating council as often as necessary to transact business.

Section 240. Subsection (2) of section 283.30, Florida Statutes, is amended to read:

**283.30 Definitions.—**As used in this part, unless the context clearly requires otherwise, the term:

(2) "Division" means the Division of Purchasing of the Department of *Management General Services*.

Section 241. Subsection (2) of section 284.01, Florida Statutes, is amended to read:

**284.01 Florida Fire Insurance Trust Fund; coverages to be provided.—**

(2) The fund shall insure all buildings, whether financed in whole or in part by revenue bonds or certificates, and the contents thereof or of any other buildings leased or rented by the state. For the purpose of this section, all manufactured homes and contents, whether permanently affixed to realty or otherwise, are included. Rental value insurance shall also be provided to indemnify the state or any of its agencies for loss of income when such rental income insurance is required to be carried by the terms of any bonding or revenue certificates or resolutions. Rental value insurance shall also be provided to indemnify the state or any of its agencies for loss of income from those buildings operated and maintained by the Department of *Management General Services* from the Supervision Trust Fund.

Section 242. Section 284.04, Florida Statutes, is amended to read:

**284.04 Notice and information required by Department of Insurance of all newly erected or acquired state property subject to insurance.—**The Department of *Management General Services* and all agencies in charge of state property shall notify the Department of Insurance of all newly erected or acquired property subject to coverage as soon as erected or acquired, giving its value, type of construction, location, whether inside or outside of corporate limits, occupancy, and any other information the Department of Insurance may require in connection with such property. Such department or agency shall also notify the Department of Insurance immediately of any change in value or occupancy of any property covered by the fund. Unless the above data is submitted in writing within a reasonable time following such erection, acquisition, or change, the Department of Insurance shall provide insurance coverage to the extent shown by the last notification in writing to the fund or in accordance with the last valuation shown by fund records. In case of disagreement between the Department of Insurance and the agency or person in charge of any covered state property as to its true value, the amount of the insurance to be carried thereon, the proper premium rate or rates, or amount of loss settlement, the matter in disagreement shall be determined by the Department of *Management General Services*.

Section 243. Section 284.05, Florida Statutes, is amended to read:

**284.05 Inspection of insured state property.—**The Department of Insurance shall inspect all permanent buildings insured by the Florida Fire Insurance Trust Fund, and whenever conditions are found to exist which, in the opinion of the Department of Insurance, are hazardous from the standpoint of destruction by fire or other loss, the Department of Insurance may order the same repaired or remedied, and the agency, board, or person in charge of such property is required to have such dangerous conditions immediately repaired or remedied upon written notice from the Department of Insurance of such hazardous conditions. Such amounts as may be necessary to comply with such notice or notices shall be paid by the Department of *Management General Services* or by the agency, board, or person in charge of such property out of any moneys appropriated for the maintenance of the respective agency or for the repairs or permanent improvement of such properties or from any incidental or contingent funds they may have on hand. In the event of a disagreement between the Department of Insurance and the agency, board, or person having charge of such property as to the necessity of the repairs or remedies ordered, the matter in disagreement shall be determined by the Department of *Management General Services*.

Section 244. Section 284.08, Florida Statutes, is amended to read:

**284.08 Reinsurance on excess coverage and approval by Department of *Management General Services*.—**The Department of Insurance shall determine what excess coverage is necessary and may purchase reinsurance thereon upon approval by the Department of *Management General Services*.



Section 245. Section 284.385, Florida Statutes, is amended to read:

284.385 Reporting and handling of claims.—All departments covered by the Florida Casualty Insurance Risk Management Trust Fund under this part shall immediately report all known or potential claims to the Department of Insurance for handling, except employment complaints which have not been filed with the Florida Human Relations Commission, Equal Employment Opportunity Commission, or any similar agency. When deemed necessary, the Department of Insurance shall assign or reassign the claim to counsel. The assigned counsel shall report regularly to the Department of Insurance on the status of any such claims or litigation as required by the Department of Insurance. No such claim shall be compromised or settled for monetary compensation without the prior approval of the Department of Insurance. All departments shall cooperate with the Department of Insurance in its handling of claims. The Department of Insurance, the Department of *Management General Services*, and the Department of Banking and Finance, with the cooperation of the state attorneys and the clerks of the courts, shall develop a system to coordinate the exchange of information concerning claims for and against the state, its agencies, and its subdivisions, to assist in collection of amounts due to them. The covered department shall have the responsibility for the settlement of any claim for injunctive or affirmative relief under 42 U.S.C. s. 1983 or similar federal or state statutes. The payment of a settlement or judgment for any claim covered and reported under this part shall be made only from the Florida Casualty Insurance Risk Management Trust Fund.

Section 246. Subsection (1) of section 284.42, Florida Statutes, is amended to read:

284.42 Reports on state insurance program.—

(1) The Department of Insurance, with the Department of *Management General Services*, shall make an analysis of the state insurance program annually, which shall include:

(a) Complete underwriting information as to the nature of the risks accepted for self-insurance and those risks that are transferred to the insurance market.

(b) The funds allocated to the Florida Casualty Risk Management Trust Fund and premiums paid for insurance through the market.

(c) The method of handling legal matters and the cost allocated.

(d) The method and cost of handling inspection and engineering of risks.

(e) The cost of risk management service purchased.

(f) The cost of managing the State Insurance Program by the Department of Insurance and the Department of *Management General Services*.

Section 247. Section 285.06, Florida Statutes, is amended to read:

285.06 State Indian Reservation.—When, as the result of the exchanges provided for in ss. 285.04 and 285.05, there shall have been established a reservation for the Indians by the United States in Florida, the State Seminole Indian Reservation in Monroe County, created by chapter 7310, Acts of 1917, shall be withdrawn and returned to the board of trustees; and thereupon the Board of Trustees of the Internal Improvement Trust Fund shall set aside a tract of land of approximately equal size and of suitable character, adjacently located, as nearly as may be, to the reservation to be established by the United States; and said lands, when so set aside, shall constitute the State Indian Reservation and shall be held in trust by the Department of *Management General Services* for the perpetual benefit of the Indians and as a reservation for them.

Section 248. Subsection (4) of section 285.14, Florida Statutes, is amended to read:

285.14 Board of Trustees of the Internal Improvement Trust Fund as trustee to accept donations of and acquire property for Indians.—

(4) The Department of *Management General Services*, the State Board of Education, and any other state board or agency having title to lands or having lands under their jurisdiction, management, or control, may in their discretion convey and transfer to the board of trustees the title to any of said lands in trust for the use and benefit of said Indians.

Section 249. Subsection (8) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(8) "Division" means the Division of Purchasing of the Department of *Management General Services*.

Section 250. Subsection (4) of section 287.025, Florida Statutes, is amended to read:

287.025 Prohibition against certain insurance coverage on specified state property or insurable subjects.—

(4) No primary insurance contracts shall be purchased on any property or insurable subjects when the same is loaned to, leased by, or intended to be leased by, the state or its departments, divisions, bureaus, commissions, or agencies unless such coverage is required by the terms of the lease agreement and unless the insurance coverages required by the provisions of the lease are approved in writing by the Department of *Management General Services*.

Section 251. Section 287.032, Florida Statutes, is amended to read:

287.032 Purpose of division.—It shall be the purpose of the Division of Purchasing:

(1) To promote efficiency, economy, and the conservation of energy and to effect coordination in the purchase of commodities for the state; ~~and~~

(2) To provide uniform contractual service procurement policies, rules, procedures, and forms for use by the various agencies in procuring contractual services.

(3) *To procure and distribute state-owned surplus tangible personal property and federal surplus tangible personal property allocated to the state by the Federal Government.*

Section 252. Paragraph (f) of subsection (4) and subsection (13) of section 287.042, Florida Statutes, are amended and subsection (16) is added to that section, to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(4) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(f)1. Development of procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those construction contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2). However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, "mi-

nority business enterprise" means any business concern which is organized to engage in commercial transactions, which is domiciled in this state, and which is at least 51 percent controlled by minority persons and the management and daily operations of which are controlled by such persons. "Minority person" has the same meaning as in s. 288.703(3). In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the division shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1995.

3. In determining the base amounts for assessing compliance with this paragraph, the Minority Business Enterprise Assistance Office within the Department of *Management General Services* shall develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Minority Business Enterprise Assistance Office, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

(13) Except as otherwise provided herein, to adopt rules necessary to carry out the purposes of this section, including the authority to delegate to any state agency any and all of the responsibility conferred by this section, retaining to the division any and all authority for supervision thereof. Such purchasing of commodities and procurement of contractual services by state agencies shall be in strict accordance with the rules and procedures prescribed by the Department of *Management General Services*.

(16) *To procure and distribute state-owned surplus tangible personal property and federal surplus tangible personal property allocated to the state by the Federal Government.*

Section 253. Subsections (7) and (8) of section 287.055, Florida Statutes, are amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; definitions; procedures; contingent fees prohibited; penalties.—

(7) **AUTHORITY OF DEPARTMENT OF MANAGEMENT GENERAL SERVICES.**—Notwithstanding any other provision of this section, the Department of *Management General Services*, Division of Building Construction, shall be the agency of state government which is solely and exclusively authorized and empowered to administer and perform the functions described in subsections (3), (4), and (5) respecting all projects for which the funds necessary to complete same are appropriated to the Department of *Management General Services*, irrespective of whether such projects are intended for the use and benefit of the Department of *Management General Services* or any other agency of government. However, nothing herein shall be construed to be in derogation of any authority conferred on the Department of *Management General Services* by other express provisions of law. Additionally, any agency of government may, with the approval of the Department of *Management General Services*, delegate to the Department of *Management General Services* authority to administer and perform the functions described in subsections (3), (4), and (5). Under the terms of the delegation, the agency may reserve its right to accept or reject a proposed contract.

(8) **STATE ASSISTANCE TO LOCAL AGENCIES.**—On any professional service contract for which the fee is over \$25,000, the Department of Transportation or the Department of *Management General Services* shall provide, upon request by a municipality, political subdivision, school board, or school district, and upon reimbursement of the costs involved, assistance in selecting consultants and in negotiating consultant contracts.

Section 254. Paragraphs (a) and (d) of subsection (3) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

(3) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids or competitive sealed proposals unless:

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relating to the emergency action to the division. A copy of the statement shall be furnished to the Comptroller with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the division of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the Department of *Management General Services*.

(d) When it is in the best interest of the state, the Department of *Management General Services* may authorize the director of the division to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

Section 255. Section 287.0572, Florida Statutes, is amended to read:

287.0572 Present-value methodology.—

(1) The cost of bids or proposals for state contracts which require the payment of money for more than 1 year and include provisions for unequal payment streams or unequal time payment periods shall be evaluated using present-value methodology. Each agency, as defined in s. 287.012(1), shall perform the evaluation using the present-value discount rate supplied by the Department of *Management General Services*. The present-value discount rate shall be the rate for United States Treasury notes and bonds published in the Interest Rates: Money and Capital Markets section of the most recent copy of the Federal Reserve Bulletin published at the time of issuance of the request for proposals or the invitations to bid.

(2) The Department of *Management General Services* may adopt rules to implement the provisions of subsection (1).

Section 256. Subsection (2) of section 287.0595, Florida Statutes, is amended to read:

287.0595 Pollution response action contracts; department rules.—

(2) In ~~adopting promulgating~~ rules under this section, the department shall follow the criteria applicable to the Department of *Management General Services* contracting to the maximum extent possible, consistent with the goals and purposes of ss. 376.307, 376.3071, and 403.165.

Section 257. Subsections (1) and (8) of section 287.064, Florida Statutes, are amended to read:

287.064 Consolidated financing of deferred-payment purchases.—

(1) The Division of Bond Finance of the ~~State Board Department of Administration General Services~~ and the Comptroller shall plan and coordinate deferred-payment purchases made by or on behalf of the state or its agencies or by or on behalf of state community colleges participating under this section pursuant to s. 240.319(3)(p). The Division of Bond Finance shall negotiate and the Comptroller shall execute agreements and contracts to establish master equipment financing agreements for consolidated financing of deferred-payment, installment sale, or lease purchases with a financial institution or a consortium of financial institutions. As used in this act, the term "deferred-payment" includes installment sale and lease-purchase.

(a) The period during which equipment may be acquired under any one master equipment financing agreement shall be limited to not more than 3 years.

(b) Repayment of the whole or a part of the funds drawn pursuant to the master equipment financing agreement may continue beyond the period established pursuant to paragraph (a).

(c) The interest rate component of any master equipment financing agreement shall be deemed to comply with the interest rate limitation

imposed in s. 287.063 so long as the interest rate component of every interagency or community college agreement entered into under such master equipment financing agreement complies with the interest rate limitation imposed in s. 287.063. Such interest rate limitation does not apply when the payment obligation under the master equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Comptroller.

(8) The *State Board Department of Administration General Services* and the Comptroller, individually, shall adopt rules to implement their respective responsibilities under this section.

Section 258. Paragraphs (a) and (c) of subsection (5) and subsection (8) of section 287.073, Florida Statutes, are amended to read:

287.073 Procurement of information technology resources.—

(5)(a) There is created within the Department of *Management General Services* the Information Technology Resource Procurement Advisory Council to function on a continuing basis. The council shall review and make recommendations to the agencies regarding agency single-source certification requests for information technology resources which have a 2-year total cost in excess of \$500,000. Continuation of annual hardware or software maintenance or software licensing agreements are exempt from review by the council unless required by the division. The review shall be made prior to the request being filed with the division. The council shall also review and recommend to the agencies modifications regarding agency invitations to bid or requests for proposals for information technology resources which have a 2-year total cost in excess of \$1 million. The review shall be made prior to the issuance of the invitation to bid or the request for proposals. When specifications have been modified through discussions with qualified offerors, the council shall review the modifications prior to the submittal date stated in the request for proposals. Except for emergency purchases under s. 287.057, the council shall also review and make recommendations regarding agency acquisitions by any other method of acquiring information technology resources which have a 2-year total cost in excess of \$500,000. The review shall be made prior to acquisition. The acquisition of a system that collectively includes data processing hardware, software, and services shall not be divided to avoid the requirements of this subsection.

(c) The council shall be composed of the director of the Division of Purchasing of the Department of *Management General Services*, the executive administrator of the Information Resource Commission, and the director of the office of planning and budgeting of the Executive Office of the Governor, or their designees. The information resource manager of the agency which is acquiring the information technology resource, or his designee, shall serve as an ex officio member on the council without voting rights. The director of the Division of Purchasing shall serve as chairman and shall provide clerical and staff support to the council. The chairman shall call a meeting of the council as often as necessary to transact business. All actions of the council shall be based on a simple majority. A copy of the council's written recommendations to an agency shall be provided to the Governor and Cabinet.

(8) The Governor and Cabinet, as head of the Department of *Management General Services*, shall approve or disapprove the award of all agency information technology resources procurements which are reviewed by the council pursuant to this section.

Section 259. Section 287.0834, Florida Statutes, is amended to read:

287.0834 Motor vehicles; energy-saving equipment and additives.—Each motor vehicle purchased by the state and each motor vehicle leased by the state for a period in excess of 1 year shall use devices, equipment, and additives that have been certified as energy-saving and approved for use by the United States Environmental Protection Agency and that have been determined to be cost-effective by the Department of *Management General Services*.

Section 260. Subsections (1), (9), and (12) of section 287.0943, Florida Statutes, are amended to read:

287.0943 Certification of minority business enterprises.—

(1) The Department of *Management General Services* shall certify minority business enterprises, as defined in s. 288.703, and shall recertify such minority business enterprises not less than once each year. Minority business enterprises must be recertified annually by affidavit. The Minority Business Enterprise Office shall perform random, onsite

reviews of recertified minority business enterprises to determine whether the applicants are meeting all certification requirements. All certified minority business enterprises must be currently performing a useful business function. A "useful business function" is defined as one which results in the provision of materials, supplies, equipment, or services to customers other than state government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. Upon certification of a minority business enterprise, the department shall notify the certified minority business enterprise in writing of obligations provided in subsection (7).

(9) The Department of *Management General Services* may revoke the certification or recertification of a business as a minority business enterprise if the minority business enterprise does not meet the requirements of s. 288.703, s. 287.0943(1), and any rule of the Department of *Management General Services* or if the certification or recertification was obtained by means of falsely representing any entity as a minority business enterprise for purposes of qualifying for certification or recertification.

(12) Local governments must accept minority business enterprises that are certified by the Department of *Management General Services* as fully certified for their respective minority business enterprise programs when such minority business enterprises fall within one of the racial or gender classifications established by the respective local governmental unit. Local governments may not revoke certification of any minority business enterprise from the local government minority business enterprise program which has been certified by the department, unless notice of the revocation is given to the department contemporaneously with notice of the revocation to the minority business enterprise.

Section 261. Paragraph (i) of subsection (3) of section 287.0945, Florida Statutes, is amended to read:

287.0945 Minority Business Enterprise Assistance Office; powers, duties, and functions.—

(3) The Minority Business Enterprise Assistance Office shall have the following powers, duties, and functions:

(i) To refer all information on businesses suspected of misrepresenting minority status to the Department of *Management General Services* for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of *Management General Services* shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

Section 262. Paragraph (d) of subsection (1) of section 287.133, Florida Statutes, is amended to read:

287.133 Public entity crime; denial or revocation of the right to transact business with public entities.—

(1) As used in this section:

(d) "Department" means the Department of *Management General Services*.

Section 263. Section 287.15, Florida Statutes, is amended to read:

287.15 Purchase or lease of motor vehicles, watercraft, or aircraft; prior approval of Division of Motor Pool of the Department of *Management General Services*.—No state agency shall purchase, lease, or acquire any motor vehicle, watercraft, or aircraft of any type unless prior approval is first obtained from the Division of Motor Pool of the Department of *Management General Services*. However, nothing herein shall prohibit the lease for casual use of motor vehicles, or remove the requirement that all purchases be in compliance with the rules and regulations of the Division of Purchasing.

Section 264. Subsection (2) of section 287.151, Florida Statutes, is amended to read:

287.151 Limitation on classes of motor vehicles procured.—

(2) No funds in the General Appropriations Act shall be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Division of Purchasing of the Department of *Management General Services*.

Section 265. Subsection (1) of section 287.155, Florida Statutes, is amended to read:

287.155 Motor vehicles; purchase by Division of Universities, Department of Health and Rehabilitative Services, and Department of Corrections.—

(1) The Division of Universities of the Department of Education, the Department of Health and Rehabilitative Services, and the Department of Corrections are hereby authorized, subject to the approval of the Department of *Management General Services*, to purchase automobiles, trucks, tractors, and other automotive equipment for the use of institutions under the management of said Division of Universities, Department of Health and Rehabilitative Services, and Department of Corrections.

Section 266. Subsection (3) of section 287.16, Florida Statutes, is amended to read:

287.16 Powers and duties of division.—The Division of Motor Pool shall have the following powers, duties, and responsibilities:

(3) In its discretion, to require every state agency to transfer its ownership, custody, and control of every aircraft and motor vehicle, and associated maintenance facilities and equipment, except those used principally for law enforcement or fire control purposes, to the Department of *Management General Services*, including all right, title, interest, and equity therein.

Section 267. Section 288.13, Florida Statutes, is amended to read:

288.13 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is hereby given any county, municipality, drainage district, road or bridge district, school district or any other political subdivision, board or commission in the state to make and enter into with the Division of Bond Finance of the *State Board Department of Administration General Services*, contracts and leases, within the provisions and purposes of this chapter. The division is hereby expressly authorized to make agreements with and enter into any and all contracts with any political subdivisions of the state.

Section 268. Section 288.14, Florida Statutes, is amended to read:

288.14 Board of Trustees of Internal Improvement Trust Fund may cooperate.—The Board of Trustees of the Internal Improvement Trust Fund may convey and grant to the Division of Bond Finance of the *State Board Department of Administration General Services*, and enter into agreements permitting the use and occupation by the division, with or without compensation, of land under its control and not in use for state purposes, including swamps, overflowed lands, bottoms of streams, lakes, rivers, bays, and other waters of the state, and the riparian rights thereto appertaining, as, in the judgment of said board may be reasonably necessary in carrying out the provisions of this chapter.

Section 269. Section 288.15, Florida Statutes, is amended to read:

288.15 Powers of Division of Bond Finance.—There is hereby granted to and vested in the Division of Bond Finance of the *State Board Department of Administration General Services* the power, right, franchise, and authority:

(1) To take, exclusively occupy, use, and possess rights-of-way for any projects, enterprises, or undertakings of the division, over and across state-owned lands not otherwise in use for state purposes.

(2)(a) The division is hereby authorized and empowered to exercise the power of eminent domain and may condemn for the use of the division any and all lands, easements, rights-of-way, riparian rights, property, and property rights of every description required in carrying out the objects and purposes of this chapter.

(b) The proceedings for condemnation hereunder may be instituted and conducted in the name of the division, and the procedure shall be the same as is prescribed by chapter 73.

(3) To own and to acquire by donation, purchase, or otherwise, real and personal property, tangible and intangible, and to lease, sell, alienate, and dispose of the same or any part or parts thereof in carrying out the objects and purposes of this chapter.

(4) To subscribe for, purchase, acquire, own, sell, or otherwise dispose of bonds and obligations of municipalities and political subdivisions of the state, needful or incident to carrying out the objects and purposes of this chapter, and exercise all the rights, powers, and privileges incident to ownership thereof.

(5) In order to carry out the objectives and purposes of this chapter, the division is authorized to acquire, own, construct, operate, maintain, improve, and extend public buildings, facilities, or works within the state which are of the character hereinafter specifically mentioned. All public buildings, facilities, and works which the division is authorized to own, construct, operate, and maintain must be such as can ultimately be owned and operated by an agency, department, board, bureau, or commission of the state. All or any such buildings, facilities, or works may be of a revenue-producing character in order that the cost of the same or some part of improvements or extensions thereto may be paid from receipts therefrom, including in Tallahassee only rentals, leases, and sales to both public and nonpublic agencies through the issue and sales or disposition of revenue bonds, notes, or certificates of the division. The buildings, facilities, and works which the division is hereby authorized to acquire, construct, operate, maintain, improve, and extend are:

(a) Toll bridges or tunnels, and toll roads wherever the same are connected with or form a part of the state system of public roads. The location and construction of same shall first be approved by the Department of Transportation.

(b) To accept as a gift or grant or to purchase or lease from the Federal Government any personal property or any real property, fixtures, or appurtenances thereto, located in the state, payment for which can be made from the revenues derived therefrom, which will be used in the development of the agriculture, forest and reforestation of the state or such property as will provide recreation for the public and citizens of the state.

(c) It is expressly declared that the Division of Bond Finance shall not be authorized:

1. Except as is provided in s. 288.13, to acquire, own, or construct any buildings, facilities, or works which are to be maintained and operated solely for municipal or local purpose; and

2. To so accept, purchase, or lease from the Federal Government any property or business ordinarily owned and operated by private business; provided, however, this provision does not prohibit or limit such purchase, acceptance of gift, or lease of surplus property to be used for non-competitive government purposes.

(d) Public buildings, facilities, and additions or improvements to existing buildings and facilities for ultimate use in connection with any of the several state institutions, departments, bureaus, boards, or commissions; and, in furtherance of this paragraph, the Division of Building Construction of the Department of *Management General Services*, the Division of Facilities Management of the Department of *Management General Services*, and the State Board of Education are authorized to cooperate with the Division of Bond Finance and to do and perform all acts and things necessary thereto. Any property acquired by the Division of Bond Finance under the provisions of this chapter may ultimately be conveyed to the state free and clear of all debt or other encumbrance.

(e) The Division of Bond Finance is hereby authorized to collect reasonable rentals, tolls, or charges for the use of public buildings, facilities, or works constructed, acquired, or owned by it and for the products and services of the same exclusively for the purpose of paying the expenses of improving, repairing, maintaining, and operating its facilities and properties and paying the principal and interest on its obligations. The division is authorized by reasonable regulations to prescribe for the use of buildings, facilities, works, or projects owned and operated by it, the amount of rentals, tolls, or charges and may make and enter into contracts with any municipality, district, county or other political subdivision, board, commission, agency, or department of the state for the use of such projects or sale of the products or services thereof; provided, that the receipts from any project shall not be expended on any other project except as provided in subsection (8).

(f) However, the provisions of this chapter shall not be construed to authorize the construction, acquisition, ownership, or operation by the division of any project other than the class of projects referred to in this subsection.

(6) To secure, assemble, study, map, plat, and chart any and all data which may pertain to the governance, rehabilitation, welfare, health, transportation, commerce, marketing, finance, business, population, land use, sanitation, waterways, mineral resources, parks, wildlife, public buildings and property, and the laws relating to social, economic, or conservation matters of the state, its political subdivisions, and its people

for the purpose of advising and assisting, proposing, and recommending to state administrative officers, the state Legislature, and the people of the state plans for the future development, welfare, and governance of the state, in order that the state's plan of development may be coordinated, its economic resources be conserved, and the welfare of its people be promoted.

(7) It is expressly provided:

(a) That nothing in this chapter shall be construed as vesting in the Division of Bond Finance the power, right, or privilege to engage in private enterprise or business for profit; and

(b) That nothing in this chapter shall authorize the purchase, condemnation, or other acquisition by the division of the properties or securities of privately owned utilities or any part of same.

(8) The division is hereby authorized and directed to proceed with the acquisition of land and buildings thereon now needed or to be needed for use in whole or in part by any agency, board, bureau, or commission of the state, such acquisition to be within the area defined by the Division of Facilities Management of the Department of ~~Management General~~ Services for the long-range development of the proposed Capitol Center; and

(a) To construct, acquire, own, and operate buildings and facilities thereon, such buildings and facilities to be financed by the revenue they yield, through the issuance of revenue certificates;

(b) To have specific authority in financing the acquisition, construction, and operation of such buildings and facilities, to utilize rentals to both public and nonpublic agencies as well as any regularly appropriated state or other public funds; however, no revenue from lands, buildings, or facilities now owned by the state may be pledged to finance the acquisition of land, buildings, or facilities pursuant to the provisions of this law, except revenue from land, buildings, or facilities purchased or acquired pursuant to the provisions of this law.

(9) Subsections (5) and (8) shall be liberally construed to effectuate the objectives and purposes thereof and the public policy of the state as hereby declared.

Section 270. Section 288.17, Florida Statutes, is amended to read:

288.17 Revenue certificates.—The Division of Bond Finance of the ~~State Board Department of Administration General Services~~ is authorized to issue interest-bearing revenue certificates for construction of all state buildings approved by the Legislature in its appropriation acts and requested by the Department of ~~Management General~~ Services or by the Board of Regents.

Section 271. Subsections (1) and (3) of section 288.18, Florida Statutes, are amended to read:

288.18 Planning, promoting, and supervising state building projects.—

(1) The Division of Facilities Management of the Department of ~~Management General~~ Services shall be responsible for promoting any state building project financed as provided by law in any community where a state building is needed.

(3) Any state agency required to occupy space by the Division of Facilities Management of the Department of ~~Management General~~ Services may contract for such space and pledge such rentals as are provided and appropriated by the Legislature for the purpose of financing the retirement of revenue certificates for the lifetime of any issue.

Section 272. Subsection (1) of section 288.23, Florida Statutes, is amended to read:

288.23 Division authorized to acquire roads and bridges.—

(1) The Division of Bond Finance of the ~~State Board Department of Administration General Services~~ is authorized and empowered, upon the application of any county or counties evidenced by resolution of the board or boards of county commissioners thereof, to acquire by purchase, gift, or eminent domain and/or to construct within such county or counties so making application therefor, any road or bridge, including the acquisition of necessary rights-of-way therefor, connecting state highways within such county or counties; provided, however, in the event the said division shall determine, agree, or contract to build or construct any road

or bridge under the provisions hereof then it shall so advise the Department of Transportation of such determination, agreement, or contract and shall give the Department of Transportation complete copies of all documents, agreements, resolutions, contracts, and instruments relating to such matter and shall request the Department of Transportation to do such construction work including the acquisition of necessary rights-of-way, planning, surveying, and actual construction of such project and shall also transfer to the credit of the Department of Transportation in the Treasury of the state the funds hereinafter provided for such projects and the Department of Transportation shall thereupon be authorized, empowered, and directed to proceed with such construction, including the acquisition of necessary rights-of-way, and to use the said funds for such work, and no other work, in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of roads and bridges.

Section 273. Subsection (1) of section 288.24, Florida Statutes, is amended to read:

288.24 Division authorized to acquire ferries and toll ferries.—

(1) The Division of Bond Finance of the ~~State Board Department of Administration General Services~~ is authorized:

(a) To acquire, own, maintain, and operate ferries and toll ferries wherever the same are connected with or form a part of or are auxiliary to the state system of public roads.

(b) To fix and collect reasonable rentals, tolls, or charges for the use of any ferries operated by or under agreement with the said division.

(c) To enter into a contract or contracts with the Department of Transportation for the acquisition, maintenance, or operation of any such ferry or ferries.

Section 274. Section 288.28, Florida Statutes, is amended to read:

288.28 Department of Transportation authorized to purchase certain roads and bridges.—The Department of Transportation is hereby authorized and empowered to lease or purchase from the Division of Bond Finance of the ~~State Board Department of Administration General Services~~ such roads or bridges as may have been acquired or constructed under the provisions of s. 288.23 and to pay either the rental or the purchase price from the surplus gasoline taxes which may, in the future, accrue to the credit of the county or counties in which the road or bridge is located, under the provisions of s. 9, Art. XII of the State Constitution.

Section 275. Subsection (1) of section 288.281, Florida Statutes, is amended to read:

288.281 Financing construction or acquisition of roads and bridges; additional method.—

(1) Upon request of any county, any road or bridge district, or any authority, evidenced by a resolution duly adopted by the governing body thereof, the Division of Bond Finance of the ~~State Board Department of Administration General Services~~ is authorized and empowered to issue and sell interest-bearing bonds, notes, or certificates in its own name for and on behalf of said county, road or bridge district, or authority, for the purpose of financing the construction of roads or bridges within the county, district, or authority, or the acquisition of rights-of-way for such roads. The governing body of the county, district, or authority may request in said resolution that the division construct or acquire said project by and through its statutory agent, the Department of Transportation.

Section 276. Subsection (1) of section 288.31, Florida Statutes, is amended to read:

288.31 Armories; financing construction authorized.—

(1) The Division of Bond Finance of the ~~State Board Department of Administration General Services~~ shall have the power to borrow money and incur obligations by way of bonds, notes, or revenue certificates and issue such obligations for the purpose of financing, either in whole or in part, the construction of armories in such counties and municipalities as designated by the State Armory Board. The authority hereby conferred shall empower the said division to issue such certificates or bonds for the financing of the share or portion of the cost to be borne by a county or municipality when required by the provisions of a grant of funds from the state or the Federal Government or any other source, or to authorize the borrowing and issuing of obligations for financing such an armory in its

entirety. Bonds, notes, or certificates issued hereunder shall be issued in conformity to all the provisions of chapter 215, and the division shall be empowered to fix the rentals or charges to be collected for the purpose of the retirement or purchase of said obligations. The division and the county or municipality shall be empowered to enter into such lease, or leases, as may be necessary to ensure the providing of sufficient funds to retire such obligations and when the said obligations shall have been fully paid, the armory shall be conveyed to the state. Leases with the county or municipality under the terms of this section shall provide for the control of the building and its use to be vested in the military commander representing the Armory Board in accordance with the provisions of s. 250.41.

Section 277. Subsection (1) of section 288.33, Florida Statutes, is amended to read:

288.33 School buildings; financing construction authorized.—

(1) Upon the request of the school board of any district with the approval of the State Board of Education evidenced by a resolution duly adopted by the governing body of each of such boards, the Division of Bond Finance of the *State Board Department of Administration General Services* is authorized and empowered to issue and sell interest-bearing revenue bonds, notes, or certificates in its own name for the purpose of constructing, within the county, school buildings or additions thereto for rent, lease, or purchase by the school board of the district. The Division of Bond Finance may, by contract, make the school board its agent for the acquisition or construction of such school buildings, classrooms, or facilities.

Section 278. Paragraph (d) of subsection (3) and subsection (4) of section 288.703, Florida Statutes, are amended to read:

288.703 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(3) "Minority person" means a lawful, permanent resident of Florida who is:

(d) A native American, a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of *Management General Services*.

(4) "Certified minority business enterprise" means a business which has been certified by the Department of *Management General Services* to be a minority business enterprise.

Section 279. Paragraph (d) of subsection (7) of section 288.704, Florida Statutes, is amended to read:

288.704 Small and Minority Business Advisory Council.—

(7) The council shall:

(d) Advise the Department of *Management General Services* and the Department of Commerce with respect to problems of, and matters affecting, small and minority business.

Section 280. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System, a Type I center of the State University System funded as provided in Pub. L. No. 96-302, as amended, with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall compile and distribute such information to Florida small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the Department of *Management General Services*, the Department of Commerce, and the Small and Minority Business Advisory Council on utilization of the statewide contracts register. Such report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to those businesses requesting such service.

(4) The total number of businesses *using* ~~utilizing~~ the service.

(5) The percentage of businesses *using* ~~utilizing~~ the service which are owned and controlled by minorities.

Section 281. Section 320.0802, Florida Statutes, is amended to read:

320.0802 Surcharge on license tax.—During the period January 1, 1989, through December 31, 2003, there is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of \$1, which shall be collected in the same manner as the license tax and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of *Management General Services*.

Section 282. Subsection (6) of section 327.25, Florida Statutes, is amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(6) SURCHARGE.—In addition, during the period January 1, 1989, through December 31, 2003, there is hereby levied and imposed on each vessel registration fee imposed under subsection (1) a surcharge in the amount of \$1, which shall be collected in the same manner as the fee and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of *Management General Services*.

Section 283. Paragraph (e) of subsection (1) of section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)

(e) Local governments may use the services of the Division of Bond Finance of the *State Board Department of Administration General Services* pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from the local option gas tax to secure the payment of the bonds. In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

Section 284. Subsections (1) and (2) of section 337.02, Florida Statutes, are amended to read:

337.02 Purchases by department subject to competitive bids; advertisement; emergency purchases; bid specifications.—

(1) Except as provided herein, purchase by the Department of Transportation of commodities, including the advertising and awarding of competitive bids, shall be governed by chapters 283 and 287 and rules adopted by the Department of *Management General Services* pursuant thereto. However, the provisions of s. 287.057 notwithstanding, the department may purchase parts and repairs valued at \$5,000 or less without receiving competitive bids for the repair of mobile road maintenance equipment, marine vessels, permanent vehicle scales, and mechanical and electrical equipment for movable bridges, toll facilities including the Florida Turnpike, treatment plants for water and sewage, and major heating and cooling systems.

(2) If the department determines that an emergency exists in regard to the purchase of materials, machinery, tools, equipment, or supplies, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, the provisions for competitive bidding do not apply; and the department may authorize or purchase such materials, machinery, tools, equipment, or supplies without giving opportunity for competitive bidding thereon. The department shall, within 10 days after such determination and purchase, file with the head of the Department of *Management General Services* a written statement of the materials, machinery, tools, equipment, or supplies purchased and a certificate as to the conditions and circumstances constituting such emergency.

Section 285. Subsection (3) of section 337.276, Florida Statutes, is amended to read:

337.276 Advanced acquisition of right-of-way.—



(3) The Division of Bond Finance of the *State Board Department of Administration General Services* is authorized, in accordance with s. 215.605, to issue state bonds in an amount not to exceed a total of \$500 million on behalf of the department to finance right-of-way land acquisition for facilities that are not revenue-producing. The proceeds from the sale of these bonds shall be allocated by the department only to fund advanced right-of-way projects identified pursuant to the programs contained in subsection (2). No more than \$300 million of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(a), and no more than \$200 million of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(b).

Section 286. Subsection (4) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(4) The Department of Transportation and the Department of *Management General Services* shall create and implement an outreach program designed to enhance the participation of minority persons and minority business enterprises in all contracts entered into by their respective departments for services related to the financing of department projects for the Florida Intrastate Highway System Plan. These services shall include, but not be limited to, bond counsel and bond underwriters.

Section 287. Subsection (1) of section 341.101, Florida Statutes, is amended to read:

341.101 State purchase of mass transit vehicles and facilities.—

(1) The Division of Bond Finance of the *State Board Department of Administration General Services* is authorized to acquire, finance, lease, or sell, and the department is authorized to lease or purchase, mass transit vehicles and facilities pursuant to ss. 288.23-288.30 and ss. 215.57-215.83.

Section 288. Subsections (9) and (15) of section 341.322, Florida Statutes, are amended to read:

341.322 Definitions of terms used in ss. 341.321-341.386.—As used in this act, the term:

(9) "Bond" means any instrument of indebtedness, whether secured or unsecured, or any revenue bond, note, or other obligation issued on behalf of the commission or on behalf of the *Department of Transportation under this act* by the division of ~~Bond Finance of the Department of General Services~~.

(15) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 289. Section 344.17, Florida Statutes, is amended to read:

344.17 Depositories and investments.—All moneys received by the treasurer of the State Board of Administration, a body corporate under s. 9, Art. XII of the State Constitution, shall be deposited by him in a solvent bank or banks, to be approved and accepted for such purposes by the board. In making such deposits, he shall follow the method for the deposit of state funds. Each bank receiving any portion of such funds shall be required to deposit with such treasurer satisfactory bonds or treasury certificates of the United States; bonds of the several states; special tax school district bonds; bonds of any municipality eligible to secure state deposits as provided by law; bonds of any county or special road and bridge district of this state entitled to participate under the provisions of s. 16, Art. IX of the Constitution of 1885, as adopted by the 1968 revised constitution, and of s. 9, Art. XII of that revision; bonds issued under the provisions of s. 18, Art. XII of the Constitution of 1885, as adopted by s. 9, Art. XII of the 1968 revised constitution; or bonds, notes, or certificates issued by the Florida State Improvement Commission or its successors, the Florida Development Commission and the Division of Bond Finance of the *State Board Department of Administration General Services*, which contain a pledge of the 80-percent surplus 2-cent constitutional gasoline tax accruing under s. 16, Art. IX of the Constitution of 1885, as adopted by the 1968 revised constitution, and under s. 9, Art. XII of that revision, which shall be equal to the amount deposited with such bank. Such security shall be in the possession of such treasurer; or the treasurer is authorized to accept, in lieu of the actual depositing with him of such security, trust or safekeeping receipts issued by any Federal Reserve Bank, or member bank thereof, or by any bank incorporated

under the laws of the United States; provided the member bank or bank incorporated under the laws of the United States has been previously approved and accepted for such purposes by the State Board of Administration and the trust or safekeeping receipts are in substantially the same form as that which the State Treasurer is authorized to accept in lieu of securities given to cover deposits of state funds.

Section 290. Subsection (6) of section 348.0002, Florida Statutes, is amended to read:

348.0002 Definitions.—As used in the Florida Expressway Authority Act, the term:

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 291. Subsection (9) of section 348.241, Florida Statutes, is amended to read:

348.241 Definitions.—As used in this part, unless the context clearly indicates otherwise:

(9) The term "division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 292. Subsection (4) of section 348.52, Florida Statutes, is amended to read:

348.52 Tampa-Hillsborough County Expressway Authority.—

(4) The authority may employ a secretary and executive director, its own counsel and legal staff, and such legal, financial, and other professional consultants, technical experts, engineers, and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation of such persons, firms, or corporations. The authority may contract with the Division of Bond Finance of the *State Board Department of Administration General Services* for any financial services authorized herein.

Section 293. Paragraph (b) of subsection (1) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(1)

(b) Said bonds shall be sold at public sale in the manner provided by the State Bond Act. However, if the authority shall, by official action at a public meeting, determine that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the *State Board Department of Administration General Services*. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

Section 294. Subsection (2) of section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to said State Board of Administration, said Department of Transportation, or the Division of Bond Finance of the *State Board Department of Administration General Services*, but shall be deemed to and shall supersede such other law or laws as are inconsistent with the provisions of this part.

Section 295. Subsection (2) of section 348.94, Florida Statutes, is amended to read:

348.94 This part complete and additional authority.—

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the *State Board Department of Administration General Services*, but shall be deemed to, and shall, supersede such other law or laws as are inconsistent with the provisions of this part.

Section 296. Subsection (6) of section 348.941, Florida Statutes, is amended to read:

348.941 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 297. Subsection (2) of section 348.963, Florida Statutes, is amended to read:

348.963 This part complete and additional authority.—

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the *State Board Department of Administration General Services*, but shall be deemed to supersede such other law or laws as are inconsistent with the provisions of this part.

Section 298. Subsection (6) of section 348.966, Florida Statutes, is amended to read:

348.966 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 299. Paragraph (b) of subsection (1) of section 349.05, Florida Statutes, is amended to read:

349.05 Bonds of the authority.—

(1)

(b) Such bonds must be sold at public sale in the manner provided by the State Bond Act. However, if the authority, by official action at a public meeting, determines that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the *State Board Department of Administration General Services*. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

Section 300. Paragraphs (a) and (b) of subsection (3) of section 365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number "911."—

(3) DEFINITIONS.—As used in this section:

(a) "Department" means the Department of *Management General Services*.

(b) "Division" means the Division of Communications of the department of *General Services*.

Section 301. Section 373.4596, Florida Statutes, is amended to read:

373.4596 State compliance with stormwater management programs.—The state, through the Department of *Management General Services*, the Department of Transportation, and other agencies, shall construct, operate, and maintain buildings, roads, and other facilities it owns, leases, or manages to fully comply with state, water management district, and local government stormwater management programs.

Section 302. Paragraph (j) of subsection (3) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Community Affairs; energy emergency contingency plan; federal and state conservation programs.—

(3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.—The Department of Community Affairs shall, in addition to assuming the duties and responsibilities provided by ss. 20.18 and 377.701, perform the following functions consistent with the development of a state energy policy:

(j) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of *Management General Services*, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of *Management General Services*. Beginning 120 days following July 1, 1978, and every 3 months thereafter, the Department of *Management General Services* shall furnish the department data on agencies' energy consumption in a format mutually agreed upon by the two departments.

3. Promote the development and use of renewable energy resources and energy conservation technologies. To this end, the department shall:

a. Aid and promote the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center of the State University System, the Department of Commerce, and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

b. Promote the recovery of energy from wastes, including, but not limited to, the ~~use~~ *utilization* of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Regulation, the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

Section 303. Subsection (9) of section 380.0662, Florida Statutes, is amended to read:

380.0662 Definitions.—As used in this act, unless the context indicates a different meaning or intent:

(9) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 304. Section 401.013, Florida Statutes, is amended to read:

401.013 Legislative intent.—It is the intention and purpose of the Legislature that a statewide system of regional emergency medical telecommunications be developed whereby maximum use of existing radio channels is achieved in order to more effectively and rapidly provide emergency medical service to the general population. To this end, all emergency medical service entities within the state are directed to provide the Division of Communications of the Department of *Management General Services* with any information the division requests for the purpose of implementing the provisions of s. 401.015, and such entities shall comply with the resultant provisions established pursuant to this part.

Section 305. Section 401.015, Florida Statutes, is amended to read:

401.015 Statewide regional emergency medical telecommunication system.—The Division of Communications of the Department of *Management General Services* is authorized and directed to develop a statewide system of regional emergency medical telecommunications. For the purpose of this part, the term "telecommunications" means those voice, data, and signaling transmissions and receptions between emergency medical service components, including, but not limited to: ambulances; rescue vehicles; hospitals or other related emergency receiving facilities; emergency communications centers; physicians and emergency medical personnel; paging facilities; law enforcement and fire protection agencies; and poison control, suicide, and emergency management agencies. In formulating such a system, the division shall divide the state into appropriate regions and shall develop a program which includes, but is not limited to, the following provisions:

(1) A requirements provision, which shall state the telecommunications requirements for each emergency medical entity comprising the region.

(2) An interfacility communications provision, which shall depict the telecommunications interfaces between the various medical service entities which operate within the region and state.

(3) An organizational layout provision, which shall include each emergency medical entity and the number of radio operating units (base, mobile, handheld, etc.) per entity.

(4) A frequency allocation and use provision, which shall include on an entity basis each assigned and planned radio channel and the type of operation (simplex, duplex, half duplex, etc.) on each channel.

(5) An operational provision, which shall include dispatching, logging, and operating procedures pertaining to telecommunications on an entity basis and regional basis.

(6) An emergency medical service telephone provision, which shall include the telephone and the numbering plan throughout the region for both the public and interface requirements.

Section 306. Subsections (3) and (5) of section 403.1834, Florida Statutes, are amended to read:

403.1834 State bonds to finance or refinance facilities; exemption from taxation.—

(3) The amount of the state bonds to be issued shall be determined by the Division of Bond Finance of the *State Board Department of Administration General Services*. However, the total principal amount issued shall not exceed \$300 million in any state fiscal year. This limitation does not apply to bonds issued to refinance outstanding bonds that were issued pursuant to this section in a previous fiscal year.

(5) The Department of Environmental Regulation and the Division of Bond Finance of the *State Board Department of Administration General Services* are hereby authorized to enter into lease-purchase agreements between such departments or to enter into lease-purchase agreements or loan agreements between either of such departments and any county, municipality, district, or authority, or any agency thereof, for such periods and under such other terms and conditions as may be mutually agreed upon by the parties thereto in order to carry out the purposes of s. 14, Art. VII of the State Constitution and this section.

Section 307. Paragraph (c) of subsection (2) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(2) For the purposes of this section, the term:

(c) "Bonds" means state bonds, certificates, or other obligations of indebtedness issued by the Division of Bond Finance of the *State Board Department of Administration General Services* pursuant to this section and the State Bond Act.

Section 308. Section 403.712, Florida Statutes, is amended to read:

403.712 Revenue bonds.—

(1) Revenue bonds payable from funds which result from the revenues derived from the operation of solid waste management facilities and from any revenues which may be pledged under s. 14, Art. VII of the State Constitution, and s. 403.1834, including, without limiting the generality of the foregoing, any legally available revenues derived from public or private sources, may be issued by the Division of Bond Finance of the *State Board Department of Administration General Services* on behalf of the state or any county or municipality in the manner provided by the State Bond Act, ss. 215.57 et seq., except as otherwise provided herein, and the Revenue Bond Act of 1953, as amended, part I, chapter 159. Such bonds shall be issued only to finance the cost of construction or maintenance of solid waste management facilities, which cost may include the acquisition of real property and easements therein for such purposes, and the closure of solid waste landfills.

(2) Upon a determination by the Division of Bond Finance of the *State Board Department of Administration General Services* that a public competitive sale is not feasible or that it would not be desirable to award such revenue bonds solely on the basis of the lowest net interest cost bid, the Division of Bond Finance may negotiate the sale of any such revenue bonds after the receipt of one or more proposals, taking into consideration the lowest total cost and such other factors as may be deemed appropriate.

Section 309. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 403.714, Florida Statutes, are amended to read:

403.714 Duties of state agencies.—

(1) It shall be the duty of each state agency, the judicial branch of state government, and the State University System, by September 1, 1989, to:

(a) Establish a program, in cooperation with the Department of Environmental Regulation and the Department of *Management General Services*, for the collection of all recyclable materials generated in state offices throughout the state, including, at a minimum, aluminum, high-grade office paper, and corrugated paper.

(d) Establish and implement, in cooperation with the Department of Environmental Regulation and the Department of *Management General Services*, a solid waste reduction program for materials used in the course of agency operations. The program shall be designed and implemented to achieve the maximum feasible reduction of solid waste generated as a result of agency operations.

(4) All state agencies, including, but not limited to, the Department of Transportation, the Department of Natural Resources, and the Department of *Management General Services* and local governments, are required to procure compost products when they can be substituted for, and cost no more than, regular soil amendment products, provided the compost products meet all applicable state standards, specifications, and regulations. This product preference shall apply to, but not be limited to, the construction of highway projects, road rights-of-way, highway planting projects, recultivation and erosion control programs, and other projects.

Section 310. Section 403.7145, Florida Statutes, is amended to read:

403.7145 Capitol recycling demonstration area.—The Capitol and the House and Senate office buildings constitute the Capitol recycling demonstration area. The Florida House of Representatives, the Florida Senate, and the Office of the Governor, and each Cabinet officer who heads a department that occupies office space in the Capitol, shall, by January 1, 1989, institute a recycling program for their respective offices in the House and Senate office buildings and the Capitol. Provisions shall be made to collect and sell wastepaper and empty aluminum beverage cans generated by employee activities in these offices. The collection and sale of such materials shall be coordinated with Department of *Management General Services* recycling activities to maximize the efficiency and economy of this program. The Governor, the Speaker of the House of Representatives, the President of the Senate, and the Cabinet officers may authorize the use of proceeds from recyclable material sales for employee benefits and other purposes, in order to provide incentives to their respective employees for participation in the recycling program. Such proceeds may also be used to offset any costs of the recycling program.

Section 311. Subsections (1) and (2) of section 413.034, Florida Statutes, are amended to read:

413.034 Commission established; membership.—

(1) There is created within the Department of *Management General Services* the Commission for Purchase from the Blind or Other Severely Handicapped, to be composed of the Executive Director of the Department of *Management General Services*; the Director of the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, who shall be an ex officio member with voting rights; the Director of the Division of Blind Services of the Department of Education; and four members to be appointed by the Governor, which four members shall be an executive director of a nonprofit agency for the blind, an executive director of a nonprofit agency for other severely handicapped persons, a representative of private enterprise, and a representative of other political subdivisions. All appointed members shall serve for terms of 4 years. Appointed commission members shall serve subject to confirmation by the Senate.

(2) The members of the commission shall elect one of their members to serve as chairman. Any nonappointed member may designate a representative of his agency or department to represent him at any meeting of the commission. The commission shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the Department of *Management General Services*, or at such times as may be prescribed by its rules.

Section 312. Subsection (18) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the following words and terms have the following meanings unless the context indicates another or different meaning or intent:

(18) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services* created by and referred to in the State Bond Act.

Section 313. Paragraph (b) of subsection (3) of section 420.608, Florida Statutes, is amended to read:

420.608 Inventory of publicly owned lands and buildings.—

(3) INVENTORY OF PUBLICLY OWNED LANDS AND BUILDINGS.—

(b) Notwithstanding the provisions of s. 253.002, the Department of Natural Resources shall review all information collected on state-owned lands and buildings and shall provide such information to the Department of Community Affairs. In addition, the Departments of Transportation, Corrections, and *Management General Services* shall provide the department such information as they may have available on lands or buildings in their inventories which may be suitable for development for affordable housing.

Section 314. Paragraph (a) of subsection (5) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the board.—

(5)(a) Upon written application by a private party, the board shall issue a binding opinion relating to a state agency's interpretation and enforcement of the specific model code adopted by the agency to regulate building construction or relating to the conformity of new technologies, techniques, and materials to the objectives of that model code. The provisions of this paragraph shall not be construed to provide any powers to the board with respect to any decision of the State Board of Education made pursuant to the provisions of s. 235.26, to the State Fire Marshal made pursuant to the provisions of chapter 633, to the Department of *Management General Services* made pursuant to the provisions of s. 255.25, or to any local government decision with respect to construction not subject to a state agency model code.

Section 315. Subsection (3) of section 570.50, Florida Statutes, is amended to read:

570.50 Division of Chemistry; powers and duties.—The duties of the Division of Chemistry include, but are not limited to:

(3) Testing samples submitted, under contractual agreement, by the Department of *Management General Services* and the Department of Education to establish and verify conformity with state specifications.

Section 316. Subsection (2) of section 627.096, Florida Statutes, is amended to read:

627.096 Workers' Compensation Rating Bureau.—

(2) The acquisition by the Department of *Management General Services* of data processing software, hardware, and services necessary to carry out the provisions of this act for the Treasurer's Management Information Center of the Department of Insurance shall be exempt from the provisions of part I of chapter 287.

Section 317. Subsection (11) of section 943.03, Florida Statutes, is amended to read:

943.03 Department of Law Enforcement.—

(11) The department shall establish headquarters in Tallahassee. The Department of *Management General Services* shall furnish the department with proper and adequate housing for its operation.

Section 318. Section 944.10, Florida Statutes, is amended to read:

944.10 Department of *Management General Services* to provide buildings; sale and purchase of land.—

(1) The Department of *Management General Services* shall cause all necessary buildings, facilities, and physical plants to be erected to accommodate all prisoners and from time to time shall make such additional alterations as may be necessary to provide for any increase in the number of prisoners; it shall cause to be established proper accommodations for such officers of the Department of Corrections who are required to reside constantly within the precincts of the institutions.

(2)(a) ~~The Division of Building Construction and Property Management of the Department of Management General Services may enter into lease-purchase agreements, on behalf of the Department of Corrections, to provide correctional facilities for the housing of state inmates. However, no such lease-purchase agreement shall be entered into without specific legislative authorization of that agreement, and funds must be specifically appropriated for each lease-purchase agreement. The facilities provided through such agreements shall meet the program plans and specifications of the Department of Corrections. The Department of Management Services Division of Building Construction and Property~~

~~Management~~ may enter into such lease agreements with private corporations and other governmental entities. However, notwithstanding the provisions of s. 255.25(3)(a), no such lease agreement may be entered into except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder.

(b) Such a lease-purchase agreement which is for a term extending beyond the end of a fiscal year shall be subject to the provisions of s. 216.311.

(3) The Department of *Management General Services* may sell, to the best possible advantage, any or all detached parcels of land belonging to the bodies of land purchased for the state correctional institutions. The Department of *Management General Services* is authorized to purchase any contiguous parcels of land within the boundary lines of the lands purchased for state correctional institutions.

Section 319. Subsection (1) of section 944.713, Florida Statutes, is amended to read:

944.713 Insurance against liability.—

(1) A bidder must provide an adequate plan of insurance against liability, including liability for violations of an inmate's civil rights by an insurance agency licensed in this state, pursuant to chapter 287. The insurance plan shall, at a minimum, protect the department from actions of a third party, assure the private vendor's ability to fulfill the conditions of the contract, and provide adequate protection for the department against claims arising as a result of any occurrence during the term of the contract on an occurrence basis. The adequacy of the insurance plan shall be determined, at the bidder's expense, by an independent risk-management or actuarial firm selected by the Department of *Management General Services*. The risk-management or actuarial firm selected must have demonstrated experience in assessing public liability of state government.

Section 320. Subsection (3) and paragraph (a) of subsection (6) of section 946.504, Florida Statutes, are amended to read:

946.504 Organization of corporation to operate correctional work programs; lease of facilities.—

(3) The corporation shall negotiate with the Department of *Management General Services* to reach and enter into an agreement for the lease of each correctional work program proposed by the corporation. The facilities to be leased and the amount of rental for such facilities shall be agreed upon by the Department of *Management General Services* and the corporation, with consultation with the department. The length of such lease shall be mutually agreed upon among the department, the Department of *Management General Services*, and the corporation; however, the initial lease may not exceed 7 years. The department shall continue to manage and operate the various correctional work programs until the lease between the department and the corporation is effective.

(6)(a) Upon the effective date of each lease of each correctional work program, the department shall cause to be remitted to the corporation all funds appropriated for, associated with, or budgeted for the operation of that correctional work program, as agreed upon among the department, the Department of *Management General Services*, and the corporation.

Section 321. Subsection (6) of section 946.515, Florida Statutes, is amended to read:

946.515 Use of goods and services produced in correctional work programs.—

(6) If, pursuant to a contract between any legislative, executive, or judicial agency of the state and any private contract vendor, a product or service is required by the Department of *Management General Services* or on behalf of any state agency, is certified by or is available from the corporation identified in this chapter, and has been approved in accordance with subsection (2), the contract must contain the following language:

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES WHICH ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 946.515(2), AND

(4), F.S.; AND FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THIS AGENCY INsofar AS DEALINGS WITH SUCH CORPORATION ARE CONCERNED.

Section 322. Sections 20.31 and 112.192, Florida Statutes, are repealed.

Section 323. Subsection (1) of section 20.32, Florida Statutes, is amended to read:

20.32 Parole Commission.—

(1) The Parole and Probation Commission, authorized by s. 8(c), Art. IV, State Constitution of 1968, is continued and renamed the Parole Commission. The commission retains its powers, duties, and functions with respect to the granting and revoking of parole and shall exercise powers, duties, and functions relating to investigations of applications for clemency as directed by the Governor and the Cabinet.

Section 324. Section 940.03, Florida Statutes, is amended to read:

940.03 Application for executive clemency.—When any person intends to apply for remission of any fine or forfeiture or the commutation of any punishment, or for pardon or restoration of civil rights, he shall request an application form from the *Parole Commission Office of Executive Clemency in Tallahassee, Florida*, in compliance with such rules regarding application for executive clemency as are may be adopted by the Governor with the approval of three members of the Cabinet. Such application may require the submission of a certified copy of the applicant's indictment or information, the judgment adjudicating the applicant to be guilty, and the sentence, if sentence has been imposed, and may also require the applicant to send a copy of the application to the judge and prosecuting attorney of the court in which the applicant was convicted, notifying them of the applicant's intent to apply for executive clemency.

Section 325. (1) The Department of General Services shall establish a work group to review the functions performed by the divisions of Purchasing, Motor Pool, Building Construction, and Facilities Management of the Department of General Services. The work group shall also consider whether such functions are most effectively and efficiently performed by a centralized agency or whether the performance of such functions would be improved by decentralization for all or specified agencies. The work group also shall identify functions which could be privatized and make recommendations as appropriate. Any recommendations to decentralize or privatize such functions must preserve or enhance the current integrity, fairness, and competitiveness of the state's procurement process for commodities and services. The work group shall submit a report containing its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 1992. The report must be accompanied by proposed legislation which would revise all statutes necessary to implement the recommendations of the work group.

(2) In conducting its review, the work group shall consider the following criteria:

(a) Whether the function or entity operates efficiently and effectively within its statutory framework.

(b) Whether the function or entity as presently constituted assists or unduly impedes the efficient and effective provision of services.

(c) Whether the function or entity can be privatized and, if so, what benefits or detriments would accompany such privatization.

(d) Whether the function or entity can be decentralized and, if so, what benefits or detriments would accompany such decentralization.

(e) Whether the function or entity can be assigned to another state agency and, if so, what is the most efficient and effective way of doing so.

(f) Whether the functions of one agency duplicate functions performed by another agency and, if so, how such duplication can best be reduced or eliminated.

(g) What officer or entity is responsible for administering the function, and whether assignment of the function to another officer or entity would provide greater accountability.

(3) The work group shall be comprised of 15 members. The Secretary of State shall appoint a representative of the Department of State, the Commissioner of Agriculture shall appoint a representative of the Department of Agriculture and Consumer Services, the Commissioner of Education shall appoint a representative of the Department of Education, the Comptroller shall appoint a representative of the Department of Banking and Finance, the Treasurer shall appoint a representative of the Department of Insurance, and the Attorney General shall appoint a representative of the Department of Legal Affairs. The Governor shall appoint nine members representing state agencies, including two who must represent agencies headed by the Governor and Cabinet and one who must represent state workers. The report and recommendations submitted by the work group must be approved by at least 10 members prior to submission on December 1, 1992.

(4) This section expires March 1, 1993.

Section 326. Section 121.1815, Florida Statutes, is amended to read:

121.1815 Special pensions to individuals; administration of laws by Department of Management Services Administration.—All powers, duties, and functions related to the administration of laws providing special pensions to individuals, including chapter 18054, Laws of Florida, 1937; chapter 26788, Laws of Florida, 1951, as amended by chapter 57-871, Laws of Florida; chapter 26836, Laws of Florida, 1951; and chapter 63-953, Laws of Florida, are vested in the Department of Management Services Administration and shall be assigned to the Division of Retirement. All laws hereinafter enacted by the Legislature pertaining to special pensions for individuals shall be administered by said division, unless contrary provisions are contained in such law. Upon the death of any person receiving a monthly pension under this section, the monthly pension shall be paid through the last day of the month of death and shall terminate on that date, unless contrary provisions are contained in the special pension law.

Section 327. Subsection (1) of section 121.22, Florida Statutes, is amended to read:

121.22 State Retirement Commission; creation; membership; compensation.—

(1) There is created within the Department of Management Services Administration a State Retirement Commission composed of seven members: One member who is retired under a state-supported retirement system administered by the Division of Retirement; two members from different occupational backgrounds who are active members in a state-supported retirement system which is administered by the Division of Retirement; and four members who are not retirees, beneficiaries, or members of a state-supported retirement system which is administered by the Division of Retirement.

Section 328. Subsection (1) of section 121.23, Florida Statutes, is amended to read:

121.23 Disability retirement and special risk membership applications; Retirement Commission; powers and duties; judicial review.—The provisions of this section apply to all proceedings in which the administrator has made a written final decision on the merits respecting applications for disability retirement, reexamination of retired members receiving disability benefits, applications for special risk membership, and reexamination of special risk members in the Florida Retirement System. The jurisdiction of the State Retirement Commission under this section shall be limited to written final decisions of the administrator on the merits.

(1) In accordance with the rules of procedure adopted by the Department of Management Services Administration through the Division of Retirement, the administrator shall:

(a) Give reasonable notice of his proposed action, or his decision to refuse action, together with a summary of the factual, legal, and policy grounds therefor.

(b) Give affected members, or their counsel, an opportunity to present to the division written evidence in opposition to the proposed action or refusal to act or a written statement challenging the grounds upon which the administrator has chosen to justify his action or inaction.

(c) If the objections of the member are overruled, provide a written explanation within 21 days.

Section 329. Subsections (2) and (3) of section 121.24, Florida Statutes, are amended to read:

121.24 Conduct of commission business; legal and other assistance; compensation.—

(2) Legal counsel for the commission may be provided by the Department of Legal Affairs or by the Department of *Management Services Administration*, with the concurrence of the commission, and shall be paid by the Department of *Management Services Administration* from the appropriate funds.

(3) The Department of *Management Services Administration* shall provide timely and appropriate training for newly appointed members of the commission. Such training shall be designed to acquaint new members of the commission with the duties and responsibilities of the commission.

Section 330. Section 217.07, Florida Statutes, is amended to read:

217.07 Transfer of surplus property assets to department.—The State Treasurer is authorized to transfer to the department any funds unexpended in the Surplus Property ~~Division~~ Revolving Trust Fund account in the State Treasury. This revolving fund shall remain in existence as a separate trust fund as long as the surplus property program exists. Upon termination of the program any remaining funds shall be disposed of as provided by federal law.

Section 331. Section 281.09, Florida Statutes, is amended to read:

281.09 Bonding required of officers and agents.—The Department of *Management General Services* shall ensure that each officer and agent of the Division of Capitol Police is adequately bonded in accordance with its procedures relating to blanket bonding of public employees.

Section 332. Subsection (3) and paragraph (b) of subsection (9) of section 407.50, Florida Statutes, are amended to read:

407.50 Review of hospital budgets.—

(3) At least 90 days prior to the beginning of its fiscal year, each hospital requesting a rate of increase in gross revenue per adjusted admission in excess of the maximum allowable rate of increase for the hospital's next fiscal year, or each hospital utilizing banked percentage points pursuant to paragraph (2)(b) and requesting a rate of increase in excess of the maximum allowable rate of increase plus the available banked percentage points, shall be subject to detailed budget review and shall file its projected budget with the board for approval. In determining the base, the hospital's prior year audited actual experience shall be used unless the hospital's prior year audited actual experience exceeded the applicable rate of increase in which case the base shall be the gross revenue per adjusted admission from the year before the prior year, increased by the applicable rate of increase for the prior year, and then inflated by the applicable rate of increase for the current year. As used in this subsection, "applicable rate of increase" means the MARI unless the board has approved a different rate of increase in which case such rate of increase shall apply. The projected budget filed under s. 407.05(6) shall be deemed approved unless it is disapproved by the board within 90 days after filing except that where the hospital requests a hearing, the 90 days shall be tolled until 10 days after the board's receipt of the recommended order from the Division of Administrative Hearings ~~of the Department of Administration~~. Upon agreement by the board and the hospital, the 90-day period may be waived or extended. As part of the review process conducted by the board, the board may approve, disapprove, or disapprove in part the projected budget. No hospital submitting a budget for approval shall operate at a level of expenditures or revenues which exceeds the maximum allowable rate of increase minus 1 percentage point unless a higher rate of increase has been approved by the board. However, a hospital with banked percentage points requesting a rate of increase which exceeds the maximum allowable rate of increase plus the banked percentage points shall not operate at a level of expenditures or revenues in excess of 1 percentage point below the maximum allowable rate of increase plus the banked percentage points.

(9)

(b) If a hearing is requested, it shall be conducted by the board or, at the election of the board, by a hearing officer of the Division of Administrative Hearings ~~of the Department of Administration~~, pursuant to the provisions of s. 120.57. The Division of Administrative Hearings shall assign at least two full-time hearing officers exclusively to hear matters

pertaining to this chapter. Hearings shall be held within 30 days of filing the request unless waived by the board and the hospital. All hearings shall be held in Tallahassee unless the board determines otherwise.

Section 333. Section 18 of chapter 91-431, Laws of Florida, is amended to read:

Section 18. Training.—

(1) It is the intent of the Legislature that state agencies shall implement training programs that encompass modern management principles, such as those embodied in total quality management, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

(2) If requested by the employing agencies, the Department of *Management Services Administration* shall provide the employing agencies with training necessary to implement the revision of the Career Service System and implement the principles of quality management.

(3) The employing agencies shall report annually to the Department of *Management Services Administration* all training programs used by that agency which have not been provided by the Department of *Management Services Administration*.

(4) The Department of *Management Services Administration* shall evaluate annually the training implemented in each employing agency and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress made by each agency in the area of training.

(5) As approved by the Legislature by law, each employing agency may use a specified percentage of its salary budget to implement training programs.

Section 334. (1) The administrative rules of the agencies involved in this reorganization that are in effect immediately prior to the effective date of this act shall remain in effect until specifically changed in the manner provided by law.

(2) This act shall not affect the validity of any judicial or administrative proceeding pending on the effective date of this act, and any agency to which are transferred the powers, duties, and functions relating to the pending proceeding shall be substituted as a party in interest for that proceeding.

Section 335. If any other act enacted in the 1992 Regular Session of the Legislature expressly or implicitly grants any authority to or imposes any power or duty upon any unit of the Department of Administration, such authority may be exercised by and such power or duty is imposed upon the agency to which such unit is transferred by this act. If any other act enacted in the 1992 Regular Session of the Legislature grants any authority to or imposes any power or duty upon the Department of Administration and does not express or imply any unit of the department which is to exercise such authority, power, or duty, such authority may be exercised by and such power or duty is imposed upon the Department of Management Services.

Section 336. The amount of funds expended by the Department of Management Services for salaries and benefits and other personal services budget categories may not exceed:

- (1) In fiscal year 1993-1994, 95 percent, and
- (2) In fiscal year 1994-1995, 90 percent,

of the total amount expended for such budget categories in fiscal year 1991-1992 by both the Department of Administration and the Department of General Services, exclusive of funds expended by the Office of Executive Clemency and the Division of Bond Finance of the Department of General Services and exclusive of funds expended by the Commission on Human Relations of the Department of Administration.

Section 337. The republication or amendment by this act of any provision of the Florida Statutes which is repealed by any other act of the Legislature, regardless of the effective date of the repeal and regardless of the session of the Legislature in which such repeal was enacted, shall not operate to abrogate that repeal.

Section 338. If any law that is amended by this act was also amended by a law enacted at the 1992 Regular Session of the Legislature, such laws shall be construed as if they had been enacted by the same session of the Legislature, and full effect should be given to each if that is possible.



Section 339. Except as otherwise expressly provided in this act, this act shall take effect January 1, 1993, except that this section and section 325 of this act shall take effect upon this act becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to governmental reorganization; abolishing the Department of Administration and transferring its duties to other agencies; amending s. 20.22, F.S.; renaming the Department of General Services as the Department of Management Services and providing for the head of the department; transferring the Division of Bond Finance from the Department of General Services to the State Board of Administration; transferring personnel, records, property, and unexpended balances of appropriations of the Department of General Services used to support the Office of Executive Clemency to the Florida Parole Commission; making the Division of Surplus Property a bureau within the Division of Purchasing; amending ss. 11.25, 11.44, 20.04, 20.23, 24.120, 110.107, 110.109, 110.1097, 110.1127, 110.1128, 110.116, 110.117, 110.121, 110.123, 110.1231, 110.1232, 110.1234, 110.1245, 110.1246, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.205, 110.2135, 110.215, 110.227, 110.233, 110.403, 110.405, 110.406, 110.407, 110.503, 110.605, 110.606, 110.607, 112.0455, 112.08, 112.0804, 112.24, 112.3173, 112.352, 112.361, 112.363, 112.63, 112.665, 120.52, 120.65, 121.021, 121.025, 121.031, 121.0515, 121.055, 121.071, 121.135, 121.136, 121.35, 121.40, 122.02, 122.03, 122.09, 122.13, 122.23, 122.34, 123.01, 123.07, 123.11, 123.24, 123.25, 123.36, 132.34, 145.19, 154.04, 163.3184, 189.4035, 189.412, 189.421, 210.20, 210.75, 215.425, 215.515, 215.94, 215.96, 216.011, 216.0165, 216.262, 218.32, 230.23, 231.262, 231.36, 238.01, 238.03, 238.08, 238.11, 240.209, 240.343, 242.68, 250.22, 252.38, 253.126, 266.0006, 266.0016, 266.0026, 266.0036, 266.0046, 266.0056, 266.0066, 284.36, 287.17, 295.11, 321.04, 321.17, 321.19, 321.191, 321.202, 321.2205, 337.165, 350.0614, 350.125, 370.0821, 376.10, 381.709, 402.35, 403.061, 406.075, 408.001, 409.029, 443.131, 455.225, 650.02, 760.04, F.S.; conforming such sections to the abolition of the Department of Administration; amending ss. 11.148, 11.45, 14.057, 20.32, 24.105, 27.34, 27.54, 75.05, 110.173, 120.53, 159.345, 159.475, 159.7055, 159.803, 212.055, 215.422, 215.47, 215.62, 215.93, 215.94, 216.0152, 216.016, 216.044, 216.0445, 216.163, 216.292, 217.01, 217.02, 217.04, 217.045, 218.32, 218.37, 218.38, 229.8052, 235.018, 235.26, 240.225, 240.417, 240.441, 253.45, 255.02, 255.043, 255.05, 255.21, 255.245, 255.25, 255.253, 255.258, 255.259, 255.28, 255.29, 255.30, 255.45, 255.451, 255.502, 255.506, 255.518, 255.555, 255.565, 259.03, 265.284, 265.285, 265.2865, 267.061, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129, 272.16, 272.161, 272.18, 272.185, 273.04, 273.05, 273.055, 281.02, 281.07, 282.102, 282.1021, 282.103, 282.105, 282.1095, 282.111, 282.304, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.314, 282.318, 282.402, 282.403, 283.30, 284.01, 284.04, 284.05, 284.08, 284.385, 284.42, 285.06, 285.14, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, 287.0572, 287.0595, 287.064, 287.073, 287.0834, 287.0943, 287.0945, 287.133, 287.15, 287.151, 287.155, 287.16, 288.13, 288.14, 288.15, 288.17, 288.18, 288.23, 288.24, 288.28, 288.281, 288.31, 288.33, 288.703, 288.704, 288.705, 320.0802, 327.25, 336.025, 337.02, 337.276, 338.227, 341.101, 341.322, 344.17, 348.0002, 348.241, 348.52, 348.755, 348.765, 348.94, 348.941, 348.963, 348.966, 349.05, 365.171, 373.4596, 377.703, 380.0662, 401.013, 401.015, 403.1834, 403.1835, 403.712, 403.714, 403.7145, 413.034, 420.503, 420.608, 553.77, 570.50, 627.096, 940.03, 943.03, 944.10, 944.713, 946.504, 946.515, F.S.; conforming such sections to the renaming of the Department of Management Services and to the transfer of certain of the department's duties; repealing s. 20.31, F.S., relating to the Department of Administration; repealing s. 112.192, F.S., relating to the State Officers' Compensation Commission; repealing s. 215.58(5), F.S., relating to a definition of the term "department"; providing for a study of certain functions of decisions in the Department of General Services; amending ss. 121.1815, 121.22, 121.23, 121.24, 217.07, 281.09, 407.50, F.S., and s. 18, ch. 91-431, Laws of Florida; conforming such sections to the abolition of the Department of Administration and the renaming of the Department of General Services; providing for continuation of rules of agencies involved in reorganization; providing for substitution of agencies in pending proceedings; providing for assumption of powers and duties under conflicting laws enacted in the same session; providing for construction of laws enacted at the 1992 Regular Session in relation to this act; providing for reduced expenditures by the Department of Management Services in certain budget categories during fiscal year 1993-1994 and fiscal year 1994-1995; providing an effective date.

The vote was:

Yeas—18      Nays—22

Senator Gardner moved the following amendments which were adopted:

**Amendment 2**—On page 263, line 1, strike "and 324" and insert: 324, and 325

**Amendment 3 (with Title Amendment)**—On page 247, line 21, through page 248, line 6, strike all of said lines and insert:

Section 322. (1) There is created the State Agency Evaluation and Review Committee, which is a joint standing committee of the Legislature, composed of six members appointed as follows: three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a member of the minority party; and three members of the Senate appointed by the President of the Senate, one of whom shall be a member of the minority party. The president shall appoint the chairman in even years and the vice chairman in odd years, and the speaker shall appoint the chairman in odd years and the vice chairman in even years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses. The duties of the State Agency Evaluation and Review Committee are:

(a) To identify and examine the specific purpose of each program, function, and activity of the executive branch of government, and the specific public benefit derived therefrom.

(b) To explore alternative courses of action that would result in administration of the same program, function, or activity in a more efficient or effective manner, including, but not limited to, determining:

1. Whether the implementing agency could be organized in a more efficient and cost-effective manner, or whether it should be reduced in size or eliminated.

2. Whether a program, function, or activity is administered by more than one agency, and whether it could be administered more efficiently or effectively to eliminate or reduce duplication or to ensure greater accountability, or could be more adequately coordinated among agencies.

3. Whether a program, function, or activity could be assumed more efficiently or effectively by a level of government other than the state, and whether such assumption would assure greater accountability for the program, function, or activity.

4. Whether agency procedure should be modified to ensure that a program, function, or activity efficiently and effectively meets the needs of the public.

(c) To determine the extent to which a program, function, or activity merits the cost to the taxpayer for the accomplishment of the program, function, or activity.

(d) To consider the consequences of discontinuing a program, function, or activity.

(e) To determine whether it is of a public benefit to continue funding the program, function, or activity in the existing manner.

(f) To determine whether the methods, rules, and policies employed by an agency to implement a program, function, or activity are cost-effective, efficient, and consistent with law and other identified policies of the state, and whether any such policies are sound, serve a public purpose in which government should be engaged, and are sufficient to serve identified needs of the state.

(2) The Governor shall present at least annually by November 30, his recommendations relating to any transfer, reduction, abolition, consolidation, coordination, authorization, change in policy or practice, change in funding source, or reduction of personnel or funds of any executive branch state agency.

(3) The committee shall prepare and submit to the Governor, the members of the Legislature, affected agencies, and the public such reports of its activities and recommendations of the committee as the committee deems necessary.

(4) As the committee shall determine to be necessary to effectuate its recommendations pursuant to the purposes and directives of this section, the committee shall prepare and introduce such proposed bills, resolutions, or joint resolutions as will make any transfer, reduction, abolition,

consolidation, coordination, authorization, change in policy or practice, change in funding source, or reduction of personnel or funds; or as will amend or repeal statutory law or propose an amendment to the State Constitution.

(5) The committee may inspect and investigate the books, records, and physical plant of any agency of the state, and each agency shall compile and furnish to the committee such testimony, information, books, and records as the committee requests. The committee may compel by subpoena duces tecum the production of any books, records, or any other documentary evidence that the committee may require to examine with respect to its duties, and the chairman shall issue such subpoena duces tecum on behalf of the committee.

(6) The committee may issue subpoenas and other necessary legal process to compel the attendance of witnesses before the committee, and the chairman shall issue such process on behalf of the committee. The chairman or any other member of such committee may administer oaths and affirmations in the manner provided by law to witnesses who appear before such committee for the purpose of testifying before the committee on any matter within its purview that the committee requires.

Section 323. (1) The Department of General Services shall establish a work group to review the functions performed by the divisions of Purchasing, Motor Pool, Building Construction, and Facilities Management of the Department of General Services. The work group shall also consider whether such functions are most effectively and efficiently performed by a centralized agency or whether the performance of such functions would be improved by decentralization for all or specified agencies. The work group also shall identify functions which could be privatized and make recommendations as appropriate. Any recommendations to decentralize or privatize such functions must preserve or enhance the current integrity, fairness, and competitiveness of the state's procurement process for commodities and services. The work group shall submit a report containing its findings and recommendations to the State Agency Evaluation and Review Committee by December 1,

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, line 31, after the semicolon (;) insert: creating the State Agency Evaluation and Review Committee; providing duties; providing for reports; providing for proposed legislation; providing powers of the committee, including the power to issue necessary legal process and take testimony of sworn witnesses;

### RECONSIDERATION OF AMENDMENT

On motion by Senator Gardner, the Senate reconsidered the vote by which **Amendment 3** was adopted.

Senator Gardner moved the following amendment to **Amendment 3** which was adopted:

**Amendment 3A**—On page 4, strike all of lines 15-31

**Amendment 3** as amended was adopted.

Senator Burt moved the following amendment which was adopted:

**Amendment 4**—On page 247, line 21, through page 250, line 3, strike all of said lines and insert:

Section 322. (1) The Auditor General shall review the functions performed by the divisions of Purchasing, Motor Pool, Building Construction, and Facilities Management of the Department of General Services. The Auditor General shall also consider whether such functions are most effectively and efficiently performed by a centralized agency or whether the performance of such functions would be improved by decentralization for all or specified agencies. The Auditor General also shall identify functions which could be privatized and make recommendations as appropriate. Any recommendations to decentralize or privatize such functions must preserve or enhance the current integrity, fairness, and competitiveness of the state's procurement process for commodities and services. The Auditor General shall submit a report containing his findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 1992. The report must be accompanied by proposed legislation which would revise all statutes necessary to implement the recommendations of the Auditor General.

(2) In conducting the review, the Auditor General shall consider the following criteria:

(a) Whether the function or entity operates efficiently and effectively within its statutory framework.

(b) Whether the function or entity as presently constituted assists or unduly impedes the efficient and effective provision of services.

(c) Whether the function or entity can be privatized and, if so, what benefits or detriments would accompany such privatization.

(d) Whether the function or entity can be decentralized and, if so, what benefits or detriments would accompany such decentralization.

(e) Whether the function or entity can be assigned to another state agency and, if so, what is the most efficient and effective way of doing so.

(f) Whether the functions of one agency duplicate functions performed by another agency and, if so, how such duplication can best be reduced or eliminated.

(g) What officer or entity is responsible for administering the function, and whether assignment of the function to another officer or entity would provide greater accountability.

(3) In conducting the review, the Auditor General also shall consider the experiences of the Department of Revenue and the Department of Labor and Employment Security to date with respect to the flexibility to act outside of established personnel and budget requirements of the Florida Statutes, and whether such flexibility should be applied to other agencies. In order to facilitate these considerations, the Department of Revenue and the Department of Labor and Employment Security shall report separately to the Auditor General on or before October 15, 1992, regarding their experiences, its potential application to other agencies, and any recommendations from their experiences which may be relevant to the review of the Auditor General considering the criteria set forth in subsection (2).

(4) This section expires March 1, 1993.

Senators Crotty and McKay offered the following amendment which was moved by Senator Crotty and failed:

**Amendment 5**—Strike everything after the enacting clause and insert:

Section 1. The Department of Administration is abolished, and:

(1) The Division of Retirement of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services.

(2) The Division of Personnel Management Services of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services.

(3) The Division of Administrative Hearings of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services, except that the exercise by the division of its powers, duties, and functions prescribed by law shall not be subject to review or approval by or under the direct supervision of the Department of Management Services.

(4) The Division of State Employees' Insurance of the Department of Administration is hereby transferred by a type one transfer as defined in section 20.06(4), Florida Statutes, to the Department of Management Services and assigned to the Division of State Employees' Insurance.

(5) The Office of Labor Relations within the office of Secretary of Administration is hereby transferred by a type four transfer as defined in section 20.06(4), Florida Statutes, to the Department of Management Services and assigned to the office of the secretary.

(6) The Office of Human Resource Development within the office of the Secretary of Administration is hereby transferred by a type three transfer as defined in section 20.06(3), Florida Statutes, to the Department of Management Services and assigned to the Division of Personnel Management Services.

(7) The State Retirement Commission, which is created by section 121.22, Florida Statutes, is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Management Services, except that the exercise by the commission of its powers, duties, and functions prescribed by law shall not be subject to review or approval by or under the direct supervision of the head of the department.

(8) The Florida Commission on Human Relations, which is created by section 760.03, Florida Statutes, is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Executive Office of the Governor, except that the exercise by the commission of its powers, duties, and functions prescribed by law shall not be subject to review or approval by or under the direct supervision of the Governor.

Section 2. The Division of Bond Finance of the Department of General Services is hereby transferred by a type one transfer, as defined in section 20.06(4), Florida Statutes, to the State Board of Administration. The Governor and Cabinet shall continue to serve as the governing board of the division.

Section 3. All personnel, records, property, and unexpended balances of appropriations within the Department of General Services used to support the Office of Executive Clemency are hereby transferred to the Florida Parole Commission by a type four transfer, as defined in section 20.06, Florida Statutes, and are assigned to the commission's clemency unit as provided in section 947.04(2)(d), Florida Statutes.

Section 4. The duties of the Division of Building Construction of the Department of General Services and the duties of the Division of Facilities Management of the Department of General Services are hereby reassigned to the Division of Building Construction and Facilities Management of the Department of Management Services.

Section 5. Section 20.22, Florida Statutes, is amended to read:

20.22 Department of ~~Management General Services~~.—There is created a Department of ~~Management General Services~~.

(1) The head of the Department of ~~Management General Services~~ is the *Secretary of Management Services, who shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor and Cabinet.*

(2) The following divisions and bureaus within the Department of ~~Management General Services~~ are established:

- (a) Division of Administration.
- ~~(b)~~ ~~Division of Bond Finance.~~
- ~~(b)(e)~~ Division of Building Construction *and Facilities Management.*
- ~~(c)(d)~~ Division of Communications.
- ~~(e)~~ ~~Division of Facilities Management.~~
- ~~(d)(f)~~ Division of Information Services.
- ~~(e)(g)~~ Division of Motor Pool.
- 1. Bureau of Aircraft.
- 2. Bureau of Motor Vehicles.
- ~~(f)~~ *Division of Personnel Management Services.*
- ~~(g)(h)~~ Division of Purchasing.
- 1. *Bureau of Surplus Property.*
- ~~(h)~~ *Division of Retirement.*
- ~~(i)~~ *Division of State Employees' Insurance.*
- ~~(j)~~ *Division of Administrative Hearings.*
- ~~(k)(i)~~ Division of Capitol Police.
- ~~(j)~~ ~~Division of Surplus Property.~~

(3) The Division of Information Services shall operate and manage the Administrative Management Information Center.

Section 6. Subsection (2) of section 11.25, Florida Statutes, is amended to read:

11.25 Salaries and expenditures not subject to control of executive agencies.—

(2) *Agencies of the executive branch* ~~The Department of Administration~~ shall have no power to determine the number or fix the compensation of legislative employees or exercise any manner of control over them. The selection of such employees, the determination of their qualifications and compensation, and the establishment of policies relating to their work, including hours of work, leave, and other matters, shall be the sole prerogative of the Legislature.

Section 7. Subsection (2) of section 11.44, Florida Statutes, is amended to read:

11.44 Salaries and expenses.—

(2) The Legislature hereby declares and determines that the Legislative Auditing Committee is a standing committee of the Legislature with interim powers and that the Auditor General is an office under the legislative branch of government; they are not agencies of government within the intention of the Legislature as expressed in chapter 216, and no power shall rest in the Executive Office of the Governor or its successor to release or withhold funds appropriated to them, but the same shall be available for expenditure as provided by law and the rules or decisions of the committee. *Agencies of the executive branch* ~~The Department of Administration or its successor~~ shall have no power to determine the number or fix the compensation of the employees of the committee or of the Auditor General or to exercise any manner of control over them. The Legislative Auditing Committee shall submit to the Joint Legislative Management Committee, for planning purposes only, an estimate of the financial needs of the committee and the Auditor General.

Section 8. Paragraph (c) of subsection (6) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(6)

(c) For the purposes of such recommendations and approvals, the Department of ~~Management Services Administration~~ and the Executive Office of the Governor, respectively, shall adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. Such criteria shall not only be applied to future agency requests for reorganization, but shall also be utilized to review the appropriateness of bureaus currently in existence. Any current bureau which does not meet the criteria for a bureau shall be reorganized into a section or other appropriate unit.

Section 9. Subsection (5) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(5) Notwithstanding the provisions of s. 110.205, the Department of ~~Management Services Administration~~ is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(i) or positions which are comparable to positions in the Selected Exempt Service under s. 110.205(2)(l).

Section 10. Subsection (7) of section 24.120, Florida Statutes, is amended to read:

24.120 Financial matters; Administrative Trust Fund; interagency cooperation.—

(7) ~~The Secretary of the Department of Management Services Administration~~ may authorize a sales incentive program for employees of the department for the purpose of increasing the sales volume and distribution of lottery tickets. Payments pursuant to such program shall not be construed to be lump-sum salary bonuses.

Section 11. Section 110.107, Florida Statutes, as amended by section 4 of chapter 91-431, Laws of Florida, is amended to read:

110.107 Definitions.—As used in this chapter, ~~unless the term context otherwise requires:~~

(1) "Department" means the Department of *Management Services Administration*.

(2) "Secretary" means the Secretary of *Management Services Administration*.

(3) "Furlough" means a temporary reduction in the regular hours of employment in a pay period, or temporary leave without pay for one or more pay periods, with a commensurate reduction in pay, necessitated by a projected deficit in any fund that supports salary and benefit appropriations. The deficit must be projected by the Revenue Estimating Conference pursuant to s. 216.136(3).

Section 12. Subsection (3) of section 110.109, Florida Statutes, as amended by section 1 of chapter 91-431, Laws of Florida, is amended to read:

110.109 Productivity improvement and personnel audits of executive branch agencies.—The department shall be responsible for conducting personnel audits of all executive branch agencies, except the State University System, to provide as follows:

(3) At the conclusion of the audit, the Secretary of *Management Services Administration* or his designated representative shall discuss the audit with the official whose office is subject to audit and submit to him a list of his adverse findings which may be included in the audit report. If the official is not available for receipt of the list of adverse audit findings, clearly designated as such, then delivery thereof is presumed to be made when it is delivered to his office. The official shall submit to the Secretary of *Management Services Administration* or his designated representative, within 30 days after the receipt of the list of findings, his written statement of explanation or rebuttal concerning all of the findings, including therein corrective action to be taken to preclude a recurrence of adverse findings.

Section 13. Subsection (3) of section 110.1097, Florida Statutes, is amended to read:

110.1097 Personnel system improvements for Department of Health and Rehabilitative Services; intent; review, report.—

(3) ~~The Department of Administration shall review the findings of the Department of Health and Rehabilitative Services and report its preliminary findings and recommendations, including a timetable for implementation of recommendations, to the Governor, the Legislature, and the Auditor General no later than November 1, 1991, and its final findings and recommendations no later than January 1, 1992. Not later than November 1 of each year, the Department of Management Services Administration shall report to the Governor, the Legislature, and the Auditor General on implementation of recommendations in its final reports until all such recommendations have been implemented.~~

Section 14. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency, with the approval of the Department of *Management Services Administration*, shall designate such of its positions of state employment which, because of the special trust or responsibility or sensitive location of such positions, require that persons occupying such positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 15. Subsection (3) of section 110.1128, Florida Statutes, is amended to read:

110.1128 Selective service registration.—

(3) The Department of *Management Services Administration* shall adopt rules necessary to carry out the administration of the requirements of this section. Such rules shall provide for a review, when requested by the applicant or employee, of any denial of employment or promotion for reasons of noncompliance with selective service registration requirements.

Section 16. Section 110.116, Florida Statutes, is amended to read:

110.116 Personnel information system; payroll procedures.—The Department of *Management Services Administration* shall establish and maintain, in coordination with the payroll system of the Department of Banking and Finance, a complete personnel information system for all authorized and established positions in the state service, with the exception of employees of the Legislature. The specifications shall be developed in conjunction with the payroll system of the Department of Banking and Finance and in coordination with the Auditor General. The Department of Banking and Finance shall determine that the position occupied by each employee has been authorized and established in

accordance with the provisions of s. 216.251. The Department of *Management Services Administration* shall develop and maintain a position numbering system that will identify each established position, and such information shall be a part of the payroll system of the Department of Banking and Finance. With the exception of employees of the Legislature, this system shall include all career service positions and those positions exempted from career service provisions, notwithstanding the funding source of the salary payments, and information regarding persons receiving payments from other sources. Necessary revisions shall be made in the personnel and payroll procedures of the state to avoid duplication insofar as is feasible. A list shall be organized by budget entity to show the employees or vacant positions within each budget entity. This list shall be available to the Speaker of the House of Representatives and the President of the Senate upon request.

Section 17. Subsection (2) of section 110.117, Florida Statutes, is amended to read:

110.117 Paid holidays.—

(2) The ~~department secretary~~ may declare, when appropriate, a state day of mourning in observance of the death of a person in recognition of service rendered to the state or nation.

Section 18. Section 110.121, Florida Statutes, is amended to read:

110.121 Sick leave pool.—Each department or agency of the state which has authority to adopt rules governing the accumulation and use of sick leave for employees and which maintains accurate and reliable records showing the amount of sick leave which has been accumulated and is unused by employees may, in accordance with guidelines which shall be established by the Department of *Management Services Administration*, adopt rules for the establishment of a plan allowing participating employees to pool sick leave and allowing any sick leave thus pooled to be used by any participating employee who has used all of the sick leave that has been personally accrued by him. Although not limited to the following, such rules shall provide:

(1) That employees shall be eligible for participation in the sick leave pool after 1 year of employment with the state or agency of the state; provided that such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(2) That participation in the sick leave pool shall, at all times, be voluntary on the part of the employees.

(3) That any sick leave pooled shall be removed from the personally accumulated sick leave balance of the employee contributing such leave.

(4) That any sick leave in the pool which leave is used by a participating employee shall be used only for the employee's personal illness, accident, or injury.

(5) That a participating employee shall not be eligible to use sick leave accumulated in the pool until all of his personally accrued sick, annual, and compensatory leave has been used.

(6) A maximum number of days of sick leave in the pool which any one employee may use.

(7) That a participating employee who uses sick leave from the pool shall not be required to retribute such sick leave to the pool, except as otherwise provided in this section herein.

(8) That an employee who cancels his membership in the sick leave pool shall not be eligible to withdraw the days of sick leave he has contributed to the pool.

(9) That an employee who transfers from one position in state government to another position in state government may transfer from one pool to another if the eligibility criteria of the pools are comparable or the administrators of the pools have agreed on a formula for transfer of credits.

(10) That alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the agency head.

(11) That sick leave credits may be drawn from the sick leave pool by a part-time employee on a pro rata basis.

Section 19. Subsection (2), paragraphs (a) and (d) of subsection (3), paragraph (f) of subsection (4), and subsection (5) of section 110.123, Florida Statutes, as amended by section 6 of chapter 91-431, Laws of Florida, are amended to read:

110.123 State group insurance program.—

(2) DEFINITIONS.—As used in this section, ~~unless the context otherwise requires~~, the term:

(a) "Department" means the Department of *Management Services Administration*.

(b) "Enrollee" means all state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees enrolled in an insurance plan offered by the state group insurance program.

(c) "Full-time state employees" includes all full-time employees of all branches or agencies of state government holding salaried positions and paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts, but in no case shall "state employee" or "salaried position" include persons paid from other-personal-services (OPS) funds.

(d) "Health maintenance organization" or "HMO" means an entity certified under part I of chapter 641.

(e) "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations or from agency funds, and who is employed for less than the normal full-time work week established by the department or, if on academic contract or seasonal or other type of employment which is less than year-round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include a person paid from other-personal-services (OPS) funds.

(f) "Retired state officer or employee" or "retiree" means any state officer or state employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state office or employment.

(g) "State agency" or "agency" means any branch, department, or agency of state government.

(h) "State group health insurance plan" means the state self-insured health insurance plan offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section.

(i) "State group insurance program" or "programs" means the package of insurance plans offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section, including the state group health insurance plan, health maintenance organization plans, and other plans required or authorized by this section.

(j) "State officer" means any constitutional state officer, any elected state officer paid by state warrant, or any appointed state officer who is commissioned by the Governor and who is paid by state warrant.

(k) "Surviving spouse" means the widow or widower of a deceased state officer, full-time state employee, part-time state employee, or retiree if such widow or widower was covered as a dependent under the state group health insurance plan or a health maintenance organization plan established pursuant to this section at the time of the death of the deceased officer, employee, or retiree. "Surviving spouse" also means any widow or widower who is receiving or eligible to receive a monthly state warrant from a state retirement system as the beneficiary of a state officer, full-time state employee, or retiree who died prior to July 1, 1979. For the purposes of this section, any such widow or widower shall cease to be a surviving spouse upon his or her remarriage.

(3) STATE GROUP INSURANCE PROGRAM.—

(a) It is the intent of the Legislature to offer a comprehensive package of health insurance benefits for state employees which are provided in a cost-efficient and prudent manner, and to allow state employees the option to choose benefit plans which best suit their individual needs.

Therefore, the state group insurance program is established which may include the state group health insurance plan, health maintenance organization plans, group life insurance plans, group accidental death and dismemberment plans, and group disability insurance plans. Furthermore, the department of ~~Administration~~ is additionally authorized to establish and provide as part of the state group insurance program any other group insurance plans which are consistent with the provisions of this section.

(d)1. A person eligible to participate in the state group health insurance plan may be authorized by rules adopted by the department of ~~Administration~~, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The department of ~~Administration~~ shall contract with health maintenance organizations to participate in the state group insurance program through a request for proposal based upon a premium and a minimum benefit package as follows:

a. The department shall establish a minimum benefit package to be provided by a participating HMO which shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO.

b. The department may establish a uniform schedule for deductibles and copayments for all participating HMOs.

c. Based upon the minimum benefit package and copayments and deductibles contained in sub-subparagraphs a. and b., the department shall issue a request for proposal for all HMOs which are interested in participating in the state group insurance program. Upon receipt of all proposals, the department may, as it deems appropriate, enter into contract negotiations with HMOs submitting bids. As part of the request for proposal process, the department may require detailed financial data from each HMO which participates in the bidding process for the purpose of determining the financial stability of the HMO.

d. In determining which HMOs to contract with, the department shall, at a minimum, consider: each proposed contractor's previous experience and expertise in providing prepaid health benefits; each proposed contractor's historical experience in enrolling and providing health care services to participants in the state group insurance program; the cost of the premiums; the plan's ability to adequately provide service coverage and administrative support services as determined by the department; plan benefits in addition to the minimum benefit package; accessibility to providers; and the financial solvency of the plan. Nothing shall preclude the department from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the department determines the plan has the best overall benefit package for the service areas involved. However, no HMO shall be eligible for a contract if the HMO's retiree Medicare premium exceeds the retiree rate as set by the department for the state group health insurance plan.

e. The department may limit the number of HMOs that it contracts with in each service area based on the nature of the bids it receives, the number of state employees in the service area, and any unique geographical characteristics of the service area. The department shall establish by rule service areas throughout the state.

f. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The department is authorized to negotiate and contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to legislative approval pursuant to subsec-

tion (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums. A report shall be submitted to the Legislature by February 1, 1990, regarding establishment of any regional plan and its effect on the State Group Health Trust Fund.

4. In addition to contracting pursuant to subparagraph 2., the department shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health and Human Services excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a. through d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. Any HMO participating in the state group insurance program shall, upon the request of the department, submit to the department standardized data for the purpose of comparison of the appropriateness, quality, and efficiency of care provided by the HMO. Such standardized data shall include: membership profiles; inpatient and outpatient utilization by age and sex, type of service, provider type, and facility; and emergency care experience. Requirements and timetables for submission of such standardized data and such other data as the department deems necessary to evaluate the performance of participating HMOs shall be promulgated by rule.

7. The department of Administration shall, after consultation with representatives from each of the unions representing state and university employees, establish a comprehensive package of insurance benefits including, but not limited to, supplemental health and life coverage, dental care, and vision care to allow state employees the option to choose the benefit plans which best suit their individual needs.

a. Based upon a desired benefit package, the department of Administration shall issue a request for proposal for insurance providers interested in participating in the State Group Insurance Program. Upon receipt of all proposals, the department may, as it deems appropriate, enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the department of Administration in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

(4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

(f) Pursuant to the request of each state officer, full-time or part-time state employee, or retiree participating in the state group insurance program, and upon certification of the employing agency approved by the Secretary of Management Services Administration, the Comptroller shall deduct from the salary or retirement warrant payable to each participant the amount so certified and shall handle such deductions in accordance with rules established by the department Secretary of Administration.

(5) DEPARTMENT OF MANAGEMENT SERVICES ADMINISTRATION; POWERS AND DUTIES.—The Department of Management Services is Secretary of Administration shall be responsible for the administration of the state group insurance program. The department of Administration shall initiate and supervise the program as established by this section and shall adopt promulgate such rules as are necessary to perform its responsibilities. To implement this program, the department shall, with prior legislative approval:

(a) Determine the benefits to be provided and the contributions to be required for the state group insurance program. Such determinations, whether for a contracted plan or a self-insurance plan pursuant to paragraph (c), do not constitute rules within the meaning of s. 120.52(16) or orders within the meaning of s. 120.52(11). Any physician's fee schedule used in the health and accident plan shall not be available for inspection or copying by medical providers or other persons not involved in the administration of the program. However, in the determination of the design of the program, the department shall consider existing and complementary benefits provided by the Florida Retirement System and the Social Security System.

(b) Prepare, in cooperation with the Department of Insurance, the specifications necessary to implement the program.

(c) Contract on a competitive proposal basis with an insurance carrier or carriers, or professional administrator, determined by the Department of Insurance to be fully qualified, financially sound, and capable of meeting all servicing requirements. Alternatively, the Department of Management Services Administration may self-insure any plan or plans contained in the state group insurance program subject to approval based on actuarial soundness by the Department of Insurance. The department may contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such plan. Before entering into any contract, the Department of Management Services Administration shall advertise for competitive proposals, and such contract shall be let upon the consideration of the benefits provided in relationship to the cost of such benefits. The department may contract for medical services which will improve the health or reduce medical costs for employees who participate in the state group insurance plan.

(d) With respect to the state group health insurance plan, be authorized to require copayments with respect to all providers under the plan.

(e) Have authority to establish a voluntary program for comprehensive health maintenance, which may include health educational components and health appraisals.

Final decisions concerning the existence of coverage or benefits under the state group health insurance plan shall not be delegated or deemed to have been delegated by the department.

Section 20. Section 110.1231, Florida Statutes, is amended to read:

110.1231 Health care insurance for persons retired under state-administered retirement systems before January 1, 1976, and their surviving spouses.—The Division of Retirement of the Department of Management Services Administration may contract with a private health insurance carrier or the Social Security Administration or any other federal agency to provide health care coverage for persons who retired before January 1, 1976, under any of the state-administered retirement systems and for the surviving spouses of such persons not covered by social security.



Section 21. Section 110.1232, Florida Statutes, is amended to read:

110.1232 Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses.—Notwithstanding any provisions of law to the contrary, or the provisions of s. 110.1231, the Department of *Management Services Administration* shall provide health insurance coverage in the State Group Health Insurance Plan for persons who retired prior to January 1, 1976, under any of the state-administered retirement systems and who are not covered by Social Security and for the spouses and surviving spouses of such retirees who are also not covered by Social Security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 110.123. The claims experience of this group shall be commingled with the claims experience of other members covered under s. 110.123.

Section 22. Section 110.1234, Florida Statutes, is amended to read:

110.1234 Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage.—

(1) The Department of *Management Services Administration* shall solicit competitive bids from state-licensed insurance companies to provide and administer a fully insured Medicare supplement policy for all eligible retirees of a state or local public employer. Such Medicare supplement policy shall meet the provisions of ss. 627.671-627.675. For the purpose of this subsection, "eligible retiree" means any public employee who retired from a state or local public employer who is covered by Medicare, Parts A and B. The department of *Administration* shall authorize one company to offer the Medicare supplement coverage to all eligible retirees. All premiums shall be paid by the retiree.

(2) The Department of *Management Services Administration* shall solicit competitive bids from state-licensed insurance companies to provide and administer fully insured health insurance coverage for all public employees who retired from a state or local public employer who are not covered by Medicare, Parts A and B. The department of *Administration* may authorize one company to offer such coverage if the proposed benefits and premiums are reasonable. If such coverage is authorized, all premiums shall be paid for by the retiree.

Section 23. Subsection (1) of section 110.1245, Florida Statutes, is amended to read:

110.1245 Meritorious service awards program.—

(1) The Department of *Management Services Administration* shall adopt, promote, and implement a program of meritorious service awards to employees who:

(a) Propose procedures or ideas which are adopted and which will result in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or

(b) By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.

Every state agency, unless otherwise provided by law, shall participate in the program. The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed the greater of \$2,000 or 10 percent of the first year's actual savings or actual revenue increase, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000. An agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award shall not exceed \$50.

Section 24. Section 110.1246, Florida Statutes, is amended to read:

110.1246 Lump-sum bonus payments.—The Department of *Management Services Administration* may, by rule, authorize an agency head to approve a lump-sum bonus payment to reward outstanding employees whose performance exceeds standards. Such bonus payment shall be outside of the employee's regular base rate of pay and shall not carry over into subsequent years.

Section 25. Section 110.125, Florida Statutes, is amended to read:

110.125 Administrative costs.—The administrative expenses and costs of operating the personnel program established by this chapter shall be paid by the various agencies of the state government, and each such agency shall include in its budget estimates its pro rata share of such cost as determined by the Department of *Management Services Administration*. To establish an equitable division of the costs, the amount to be paid by each agency shall be determined in such proportion as the service rendered to each agency bears to the total service rendered under the provisions of this chapter. The amounts paid to the Department of *Management Services Administration* which are attributable to positions within the Senior Management Service and the Selected Professional Service shall be used for the administration of such services, training activities for positions within those services, and the development and implementation of a data base of pertinent historical information on exempt positions. Should any state agency become more than 90 days delinquent in payment of this obligation, the department shall certify to the Comptroller the amount due and the Comptroller shall transfer the amount due to the department from any debtor agency funds available.

Section 26. Subsection (7) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(7) The Department of *Management Services Administration* shall annually assess agencies for the regulation of other personal services on a pro rata share basis not to exceed an amount as provided in the General Appropriations Act.

Section 27. Section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' child care services.—

(1) The Department of *Management Services Administration* shall approve, administer, and coordinate child care services for state officers' and employees' children or dependents. Duties shall include, but not be limited to, reviewing and approving requests from state agencies for child care services; providing technical assistance on child care program start-up and operation; and assisting other agencies in conducting needs-assessments, designing centers, and selecting service providers. Primary emphasis for child care services shall be given to children who are not subject to compulsory school attendance pursuant to chapter 232, and, to the extent possible, emphasis shall be placed on child care for children aged 2 and under.

(2) Child care programs may be located in state-owned office buildings, educational facilities and institutions, custodial facilities and institutions, and, with the consent of the President of the Senate and the Speaker of the House of Representatives, in buildings or spaces used for legislative activities. In addition, centers may be located in privately owned buildings conveniently located to the place of employment of those officers and employees to be served by the centers. If a child care program is located in a state-owned office building, educational facility or institution, or custodial facility or institution, or in a privately owned building leased by the state, a portion of the service provider's rental fees for child care space may be waived by the sponsoring agency in accordance with the rules of the Department of *Management Services Administration*. The sponsoring state agency may be responsible for the maintenance, utilities, and other operating costs associated with the physical facility of the child care center.

(3) Except as otherwise provided in this section, the cost of child care services shall be offset by fees charged to employees who use the child care services. Requests for proposals may provide for a sliding fee schedule, with fees charged on the basis of the employee's household income.

(4) The provider of proposed child care services shall be selected by competitive contract. Requests for proposals shall be developed with the assistance of, and subject to the approval of, the Department of *Management Services Administration*. Management of the contract with the service provider shall be the responsibility of the sponsoring state agency.

(5) An operator selected to provide services must comply with all state and local standards for the licensure and operation of child care facilities, maintain adequate liability insurance coverage, and assume financial and legal responsibility for the operation of the program. Neither the operator nor any personnel employed by or at a child care facility shall be deemed to be employees of the state. However, the sponsoring state agency may be responsible for the operation of the child care center when:

(a) A second request for proposals fails to procure a qualified service provider; or

(b) The service provider's contract is canceled and attempts to procure another qualified service provider are unsuccessful;

and plans for direct operation are approved by the Department of *Management Services Administration*.

(6) In the areas where the state has an insufficient number of employees to justify a worksite center, a state agency may join in a consortium arrangement with other public employers to provide child care services.

(7) The State Employee Child Care Revolving Trust Fund is hereby reestablished in the Department of *Management Services Administration*.

(8) The Department of *Management Services Administration* may adopt any rules necessary to achieve the purposes of this section.

Section 28. Section 110.1522, Florida Statutes, is amended to read:

110.1522 Model rule establishing family support personnel policies.—The Department of *Management Services Administration* shall develop a model rule establishing family support personnel policies for all executive branch agencies, excluding the State University System. "Family support personnel policies," for purposes of ss. 110.1521-110.1524, means personnel policies affecting employees' ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity or paternity leave for employees with a newborn or newly adopted child, and paid and unpaid family or administrative leave for family responsibilities.

Section 29. Subsections (5), (6), and (7) of section 110.161, Florida Statutes, are amended to read:

110.161 State employees; pretax benefits program.—

(5) The Department of *Management Services Administration* shall develop rules for the pretax benefits program, which shall specify the benefits to be offered under the program, the continuing tax-exempt status of the program, and any other matters deemed necessary by the department to implement this section. The rules must be approved by a majority vote of the Administration Commission.

(6) The Department of *Management Services Administration* is authorized to establish a pretax benefits program for all employees whereby employees would receive benefits which are not includable in gross income under the Internal Revenue Code of 1986. The pretax benefits program shall be implemented in phases. Phase one shall allow employee contributions to premiums for the state health program and state life insurance to be paid on a pretax basis unless an employee elects not to participate. Phase two shall allow employees to voluntarily establish expense reimbursement plans from their salaries on a pretax basis to pay for qualified medical and dependent care expenses, including premiums paid by employees for qualified supplemental insurance. Phase two may also provide for the payment of such premiums through a pretax payroll procedure as used in phase one. The Administration Commission and the Department of *Management Services Administration* are directed to take all actions necessary to preserve the tax-exempt status of the program.

(7) The Legislature recognizes that a substantial amount of the employer savings realized by the implementation of a pretax benefits program will be the result of diminutions in the state's employer contribution to the Federal Insurance Contributions Act tax. There is hereby created the Pretax Benefits Trust Fund in the Department of *Management Services Administration*. Each agency shall transfer to the Pretax Benefits Trust Fund the employer FICA contributions saved by the state as a result of the implementation of the pretax benefits program authorized pursuant to this section. Any moneys forfeited pursuant to employees'

salary reduction agreements to participate in phase one or phase two of the program must also be deposited in the Pretax Benefits Trust Fund. Moneys in the Pretax Benefits Trust Fund shall be used for the pretax benefits program, including its administration by the Department of *Management Services Administration* or a third-party administrator.

Section 30. Subsection (2) of section 110.171, Florida Statutes, is amended to read:

110.171 Definitions.—As used in this act, the term:

(2) "Department" means the Department of *Management Services Administration* as created by s. 20.31.

Section 31. Paragraph (d) of subsection (2) and subsections (4) and (6) of section 110.205, Florida Statutes, as amended by section 9 of chapter 91-431, Laws of Florida, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(d) All officers and employees of the State University System and the Correctional Education School Authority, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. In accordance with the provisions of chapter 242, the salaries for all instructional personnel of the Correctional Education School Authority shall be set by the Director of Correctional Education, subject only to the approval of the Board of Correctional Education and the State Board of Education. In accordance with chapter 242, the salaries for all administrative and noninstructional personnel of the Correctional Education School Authority shall be set by the Director of Correctional Education, subject only to the approval of the Department of *Management Services Administration*.

(4) DEFINITION OF DEPARTMENT.—When used in this section, the term "department" shall mean all departments and commissions of the executive branch, whether created by the State Constitution or chapter 20; the office of the Governor; and the Public Service Commission; however, the term "department" shall mean the Department of *Management Services Administration* when used in the context of the authority to establish salary ranges and benefits.

(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM, DEPARTMENT OF INSURANCE.—In addition to those positions exempted from part II of chapter 110, there is hereby exempted from the Career Service System the chief inspector of the boiler inspection program of the Department of Insurance. The salary range of this position shall be established by the Department of *Management Services Administration* in accordance with the classification and pay plan established for the Selected Exempt Service.

Section 32. Section 110.2135, Florida Statutes, is amended to read:

110.2135 Exemption from examination and hiring procedures; eligible disabled veterans; probationary employment.—

(1) An honorably discharged veteran who has wartime service as specified in s. 1.01(14), who has a service-connected disability rated at 30 percent or more by the Veterans Administration or the Armed Services of the United States, and who is a legal resident of this state may be employed by a state agency in a competitive or noncompetitive position and is exempt from entrance examination requirements and hiring procedures administered by the Department of *Management Services Administration* as long as the veteran meets the minimum eligibility requirements for the particular position, or the veteran has been certified by vocational rehabilitation as an appropriate candidate for the position.

(2) A disabled veteran employed under the provisions of subsection (1) shall be appointed for a probationary period of 1 year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will acquire permanent employment status and will be subject to the employment rules of the Department of *Management Services Administration* and the veteran's employing agency.

Section 33. Paragraph (a) of subsection (3) and subsection (4) of section 110.215, Florida Statutes, are amended to read:

110.215 Examinations administered to blind and deaf persons; penalties.—

(3)(a) The Department of *Management Services Administration*, with respect to all competitive examinations administered by it or any other agency to applicants for employment within the State Career Service System, shall adapt such examinations so that blind or deaf persons taking any such examinations can compete more equitably with sighted or hearing persons taking the examinations. The modifications or adaptations required by this subsection shall include, but not be limited to:

1. The provision of at least 50 percent more time to complete the examination for the blind or deaf person taking the examination, to allow for the slowness of readers or interpreters.

2. Competent reader service provided by the agency or by the appropriate blind services agency of the Department of Education or certified interpreter service provided by the agency or by the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, at no expense to the blind person taking the examination.

3. The exclusion from the examination of graphs, charts, tables, and questions which might, per se, be unfamiliar to a blind person or would be difficult for a blind person to interpret because of his blindness, such as, for example, estimating distances visually.

(4) The examination modifications and adaptations required under the provisions of this section shall be accomplished in consultation with the appropriate blind services agency of the Department of Education or the Office of Vocational Rehabilitation of the Department of Health and Rehabilitative Services and may be accomplished in consultation with the United States Civil Service Commission for utilization of current research findings. Rules promulgated pursuant to this section shall be jointly formulated by the Department of *Management Services Administration* and the Department of Education.

Section 34. Paragraph (a) of subsection (3) of section 110.227, Florida Statutes, as amended by section 17 of chapter 91-431, Laws of Florida, is amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, and transfers.—

(3)(a) When a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of *Management Services Administration*. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.

Section 35. Paragraph (a) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the state. However, when authorized by his agency head and approved by the Department of *Management Services Administration* as involving no interest which conflicts or activity which interferes with his state employment, an employee in the career service may be a candidate for or hold local public office. The Department of *Management Services Administration* shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 36. Section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of *Management Services Administration*.—

(1) In order to implement the purposes of this part, the Department of *Management Services Administration*, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 0.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

(b) A performance appraisal system which shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance. The Department of *Management Services* shall establish and implement recruiting procedures which ensure that vacancies are advertised or otherwise publicized outside the hiring agency.

(d) A system of rating duties and responsibilities for positions within the Senior Management Service and the qualifications of candidates for those positions.

(e) A program providing for periodic rotation of executive branch supervisory personnel into primary task or direct client contact positions within their unit of government. These assignments shall be of sufficient duration and variety so as to provide supervisors direct experience with actual performance of the duties of subordinates.

(f) A system for documenting actions taken on agency requests for approval of position exemptions and special pay increases.

(g) Requirements regarding recordkeeping by agencies with respect to Senior Management Service positions. Such records shall be audited periodically by the Department of *Management Services* to determine agency compliance with the provisions of this part and the rules of the Department of *Management Services*.

(h) Other procedures relating to personnel administration to carry out the purposes of this part.

(i) A program of affirmative and positive action that will ensure full utilization of women and minorities in Senior Management Service positions.

(2) The powers, duties, and functions of the Department of *Management Services* shall include responsibility for the policy administration of the Senior Management Service. ~~However, any action of the department relative to a position in a department headed by a Cabinet officer or a department headed by the Governor and Cabinet may be reviewed by the Administration Commission, and the decision of the department may be changed by a majority vote of the Administration Commission.~~

(3) The Department of *Management Services* shall have the following additional responsibilities:

(a) To establish and administer a professional development program which shall provide for the systematic development of managerial, executive, or administrative skills.

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the Department of *Management Services Administration* sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The Department of *Management Services* shall establish, by rule, the minimum qualifications for persons desiring

to conduct executive searches, including a requirement for the use of contingency contracts. Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. The Department of *Management Services* shall make the rules required pursuant to this paragraph in such a manner as to comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the Department of *Management Services* regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The Department of *Management Services* shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 37. Section 110.405, Florida Statutes, is amended to read:

110.405 Advisory committees.—The Secretary of *Management Services* ~~the department~~ may at any time appoint an ad hoc or continuing advisory committee consisting of members of the Senior Management Service or other persons knowledgeable in the field of personnel management. Any such committee shall consist of not more than nine members, who shall serve at the pleasure and meet at the call of the secretary, to advise and consult with the secretary on such matters affecting the Senior Management Service as the secretary requests. Members shall serve without compensation, but shall be entitled to receive reimbursement for travel expenses as provided in s. 112.061. The secretary may periodically hire a consultant with expertise in personnel management to advise him with respect to the administration of the Senior Management Service.

Section 38. Subsection (1) of section 110.407, Florida Statutes, is amended to read:

110.407 Performance audit of Senior Management Service.—

(1) The Auditor General shall ~~biennially, on a biennial basis,~~ conduct a performance audit of the Senior Management Service to determine whether the practices and procedures of the Department of *Management Services Administration* comply with the provisions of this part and with sound principles of personnel management. The audit required by this section shall be completed and the report of such audit furnished to the President of the Senate and the Speaker of the House of Representatives no later than January 1 of each odd-numbered year.

Section 39. Subsection (6) of section 110.503, Florida Statutes, is amended to read:

110.503 Responsibilities of departments and agencies.—Each department or agency utilizing the services of volunteers shall:

(6) Recognize prior volunteer service as partial fulfillment of state employment requirements for training and experience pursuant to rules adopted by the Department of *Management Services Administration*.

Section 40. Subsection (1) of section 110.607, Florida Statutes, is amended to read:

110.607 Performance audit of Selected Exempt Service.—

(1) The Auditor General shall, on a biennial basis, conduct a performance audit of the Selected Exempt Service to determine whether the practices and procedures of the Department of *Management Services Administration* comply with the provisions of this part and with sound principles of personnel management. The audit required by this section shall be completed and the report of such audit furnished to the President of the Senate and the Speaker of the House of Representatives no later than January 1 of each odd-numbered year.

Section 41. Paragraph (b) of subsection (13) of section 112.0455, Florida Statutes, is amended to read:

112.0455 Drug-Free Workplace Act.—

(13) RULES.—

(b) The Department of *Management Services Administration* is hereby authorized to ~~adopt promulgate~~ rules for all executive branch agencies implementing this section.

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

Section 42. Paragraph (b) of subsection (2) and subsections (5) and (6) of section 112.08, Florida Statutes, are amended to read:

112.08 Group insurance for public officers, employees, and certain volunteers; physical examinations.—

(2)

(b) In order to obtain approval from the Department of Insurance of any self-insured plan for health, accident, and hospitalization coverage, each local governmental unit or consortium shall submit its plan along with a certification as to the actuarial soundness of the plan, which certification is prepared by an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries. The Department of *Insurance* shall not approve the plan unless it determines that the plan is designed to provide sufficient revenues to pay current and future liabilities, as determined according to generally accepted actuarial principles. After implementation of an approved plan, each local governmental unit or consortium shall annually submit to the Department of *Insurance* a report which includes a statement prepared by an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries as to the actuarial soundness of the plan. The report is due 90 days after the close of the fiscal year of the plan. The report shall consist of, but is not limited to:

1. The adequacy of contribution rates in meeting the level of benefits provided and the changes, if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate to enable payment of the benefit amounts provided under the plan and a valuation of present assets, based on statement value, and prospective assets and liabilities of the plan and the extent of any unfunded accrued liabilities.

2. A plan to amortize any unfunded liabilities and a description of actions taken to reduce unfunded liabilities.

3. A description and explanation of actuarial assumptions.

4. A schedule illustrating the amortization of any unfunded liabilities.

5. A comparative review illustrating the level of funds available to the plan from rates, investment income, and other sources realized over the period covered by the report with the assumptions used.

6. A statement by the actuary that the report is complete and accurate and that in his opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this subsection.

7. Other factors or statements as required by the Department of Insurance in order to determine the actuarial soundness of the plan.

All assumptions used in the report shall be based on recognized actuarial principles acceptable to the Department of Insurance. The Department of *Insurance* shall review the report and shall notify the administrator of the plan and each entity participating in the plan, as identified by the administrator, of any actuarial deficiencies. Each local governmental unit is responsible for payment of valid claims of its employees that are not paid within 60 days after receipt by the plan administrator or consortium.

(5) The Department of *Management Services Administration* shall initiate and supervise a group insurance program providing death and disability benefits for active members of the Florida Highway Patrol Auxiliary, with coverage beginning July 1, 1978, and purchased from state funds appropriated for that purpose. The Department of *Management Services Administration*, in cooperation with the Department of Insurance and the Division of Purchasing of the Department of General Services, shall prepare specifications necessary to implement the program, and the Department of *Management Services Administration* shall receive bids and award the contract in accordance with general law.

(6) The Department of Insurance is authorized to ~~adopt promulgate~~ rules to carry out the provisions of this section as they pertain to its duties.

Section 43. Section 112.0804, Florida Statutes, is amended to read:

112.0804 Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage.—

(1) The Department of *Management Services Administration* shall solicit competitive bids from state-licensed insurance companies to pro-

vide and administer a fully insured Medicare supplement policy for all eligible retirees of a state or local public employer. Such Medicare supplement policy shall meet the provisions of ss. 627.671-627.675. For the purpose of this subsection, "eligible retiree" means any public employee who retired from a state or local public employer who is covered by Medicare, Parts A and B. The Department of *Management Services Administration* shall authorize one company to offer the Medicare supplement coverage to all eligible retirees. All premiums shall be paid by the retiree.

(2) The Department of *Management Services Administration* shall solicit competitive bids from state-licensed insurance companies to provide and administer fully insured health insurance coverage for all public employees who retired from a state or local public employer who are not covered by Medicare, Parts A and B. The Department of *Management Services Administration* may authorize one company to offer such coverage if the proposed benefits and premiums are reasonable. If such coverage is authorized, all premiums shall be paid for by the retiree.

Section 44. Subsection (1) and paragraph (a) of subsection (3) of section 112.24, Florida Statutes, are amended to read:

112.24 Intergovernmental transfer and interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with the Federal Government, with another state, with another municipality or political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with the Federal Government, with another state, with a municipality or political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(1) Details of an employee interchange program shall be the subject of an agreement, which may be extended or modified, between a sending party and a receiving party. State agencies shall report such agreements and any extensions or modifications thereto to the Department of *Management Services Administration*.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(a) An employee of a sending party who is participating in an interchange agreement may be considered as on detail to regular work assignments of the sending party or in a leave status from the sending party except that the receiving agency shall pay the salary and benefits of such employee during the time, in excess of 1 week, that the employee is working for the receiving agency. *However, an employee of a sending party who is participating in an interchange agreement pursuant to s. 10 of chapter 91-429, Laws of Florida, shall be considered as on detail to regular work assignments of the sending party, and the sending party shall reimburse the receiving agency for the salary and benefits and expenses of such employee and any other direct costs of conducting the inspections during the time the employee is working for the receiving agency.*

1. If on detail, an employee shall receive the same salary and benefits as if he were not on detail and he shall remain the employee of the sending party for all purposes except that supervision during the period of detail may be governed by the interchange agreement.

2. If on leave, an employee shall have the same rights, benefits, and obligations as other employees in a leave status subject to exceptions provided in rules for state employees issued by the department or the rules or other decisions of the governing body of the municipality or political subdivision.

Section 45. Paragraph (d) of subsection (4) of section 112.3173, Florida Statutes, is amended to read:

112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.—

(4) NOTICE.—

(d) The Commission on Ethics shall forward any notice and any other document received by it pursuant to this subsection to the governing body of the public retirement system of which the public officer or employee is a member or from which the public officer or employee may be entitled to receive a benefit. When called on by the Commission on Ethics, the Division of Retirement of the Department of *Management Services Administration* shall assist the commission in identifying the appropriate public retirement system.

Section 46. Subsection (7) of section 112.352, Florida Statutes, is amended to read:

112.352 Definitions.—The following words and phrases as used in this act shall have the following meaning unless a different meaning is required by the context:

(7) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 47. Paragraph (g) of subsection (2) of section 112.361, Florida Statutes, is amended to read:

112.361 Additional and updated supplemental retirement benefits.—

(2) DEFINITIONS.—As used in this section, unless a different meaning is required by the context:

(g) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 48. Subsections (4) and (7) of section 112.363, Florida Statutes, are amended to read:

112.363 Retiree health insurance subsidy.—

(4) PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.—Beginning January 1, 1988, any monthly retiree health insurance subsidy amount due and payable under this section shall be paid to retired members by the Division of Retirement of the Department of *Administration* or under the direction and control of the division.

(7) ADMINISTRATION OF SYSTEM.—The Division of Retirement of the Department of *Administration* may adopt such rules and regulations as are necessary for the effective and efficient administration of this section. The cost of administration shall be appropriated from the trust fund.

Section 49. Subsection (2) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(2) The frequency of actuarial reports shall be at least every 3 years commencing from the last actuarial report of the plan or system or October 1, 1980, if no actuarial report has been issued within the 3-year period prior to October 1, 1979. The results of each actuarial report shall be filed with the plan administrator within 60 days of certification. Thereafter, the results of each actuarial report shall be made available for inspection upon request. Additionally, each retirement system or plan covered by this act which is not administered directly by the Department of *Management Services Administration* through the Division of Retirement shall furnish a copy of each actuarial report to the Division of Retirement within 60 days of receipt from the actuary.

Section 50. Subsection (1) of section 112.665, Florida Statutes, is amended to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of *Management Services Administration* shall:

(a) Gather, catalog, and maintain complete, computerized data information on all public employee retirement systems or plans in the state, based upon a review of audits, reports, and other data pertaining to the systems or plans;

(b) Receive and comment upon all actuarial reviews of retirement systems or plans maintained by units of local government;

(c) Cooperate with local retirement systems or plans on matters of mutual concern and provide technical assistance to units of local government in the assessment and revision of retirement systems or plans;

(d) Issue, by January 1 annually, a report to the President of the Senate and the Speaker of the House of Representatives, which report details division activities, findings, and recommendations concerning all governmental retirement systems. The report may include legislation proposed to carry out such recommendations;

(e) Issue, by January 1 annually, a report to the Special District Information Program of the Department of Community Affairs that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions as specified in chapter 121; and

(f) Adopt reasonable rules to administer the provisions of this part.

Section 51. Subsection (6) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(6) "Division" means the Division of Administrative Hearings of the Department of Administration.

Section 52. Subsections (1) and (2) of section 120.65, Florida Statutes, are amended to read:

120.65 Hearing officers.—

(1) There is hereby created the Division of Administrative Hearings within the Department of ~~Management Services Administration~~ to be headed by a director who shall be appointed by the Administration Commission and confirmed by the Senate. The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of ~~Management Services Administration~~ shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of ~~Management Services Administration~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The director has the right to appeal actions by the Executive Office of the Governor that affect amendments to the division's approved operating budget or any personnel actions pursuant to chapter 216 to the Administration Commission, which shall decide such issue by majority vote. The appropriations committees may advise the Administration Commission on the issue. If the President of the Senate and the Speaker of the House of Representatives object in writing to the effects of the appeal, the appeal may be affirmed by the affirmative vote of two-thirds of the commission members present. *The failure of the Executive Office of the Governor to act on a request for action by the director within 21 days after receiving a written request constitutes approval of the request.*

Section 53. Subsections (4) and (32) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(4) "Division" means the Division of Retirement of the Department of ~~Management Services Administration~~.

(32) "State agency" means the Division of Retirement of the Department of ~~Management Services Administration~~ within the provisions and contemplation of chapter 650.

Section 54. Section 121.025, Florida Statutes, is amended to read:

121.025 Administrator; powers and duties.—The director of the Division of Retirement shall be the administrator of the retirement and pension systems assigned or transferred to the Division of Retirement by law and, upon delegation of such authority by the Secretary of ~~Management Services Administration~~, shall have the authority to sign the contracts necessary to carry out the duties and responsibilities assigned by law to the Division of Retirement.

Section 55. Subsection (1) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(1) The Department of ~~Management Services Administration~~, through the Division of Retirement, shall make such rules as are necessary for the effective and efficient administration of this system. The funds to pay the expenses for such administration are hereby appropriated from the interest earned on investments made for the retirement and social security trust funds and the assessments allowed under chapter 650.

Section 56. Paragraph (b) of subsection (3) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past service and prior service; retention of special risk normal retirement date.—

(3) PROCEDURE FOR DESIGNATING.—

(b)1. Applying the criteria set forth in this section, the Department of ~~Management Services Administration~~ shall specify which current and newly created classes of positions under the uniform classification plan established pursuant to chapter 110 entitle the incumbents of positions in those classes to membership in the Special Risk Class. Only employees employed in the classes so specified shall be special risk members.

2 When a class is not specified by the department as provided in subparagraph 1., the employing agency may petition the State Retirement Commission for approval in accordance with s. 121.23.

Section 57. Paragraph (a) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)(a) The Department of ~~Management Services Administration~~ shall establish a Senior Management Service Optional Annuity Program under which contracts providing retirement, death, and disability benefits may be purchased for those employees who elect to participate in the optional annuity program. The benefits to be provided for or on behalf of participants in such optional annuity program shall be provided through individual or group annuity contracts, which may be fixed or variable, or a combination thereof. The employing agency shall contribute, as provided in this section, toward the purchase of such optional benefits which shall be fully and immediately vested in the participants.

Section 58. Subsection (5) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(5) Contributions made in accordance with subsections (1), (2), (3), and (4) shall be paid by the employer into the system trust funds in accordance with rules ~~adopted promulgated~~ by the administrator pursuant to chapter 120. Such contributions are due and payable no later than the 25th day of the month immediately following the month during which the payroll period ended. The division may, by rule, establish a different due date, which shall supersede the date specified herein; however, such due date may not be established earlier than the 20th day of the month immediately following the month during which the payroll period ended. Effective January 1, 1984, contributions made in accordance with subsection (3) shall be paid by the employer into the system trust fund in accordance with rules ~~adopted promulgated~~ by the administrator pursuant to chapter 120. For any payroll period ending any day of the month before the 16th day of the month, such contributions are due and payable no later than the 20th day of the month; and, for any payroll periods ending any day of the month after the 15th day of the month, such contributions are due and payable no later than the 5th day of the next month. Contributions received in the offices of the Division of Retirement of the ~~Department of Administration~~ after the prescribed date shall be considered delinquent unless, in the opinion of the division, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding such employer's good-faith



efforts to effect delivery; and, with respect to retirement contributions due under subsections (1) and (4), each employer shall be assessed a delinquent fee of 1 percent of the contributions due for each calendar month or part thereof that the contributions are delinquent. Such a waiver of the delinquency fee by the division may be granted an employer only one time each fiscal year. Delinquent social security contributions shall be assessed a delinquent fee as authorized by s. 650.05(4). The delinquent fee assessable for an employer's first delinquency after July 1, 1984, shall be as specified in s. 650.05(4), and, beginning with the second delinquency in any fiscal year by the employer subsequent to July 1, 1984, all subsequent delinquency fees shall be assessed against the employer at twice the applicable percentage rate specified in s. 650.05(4).

Section 59. Section 121.135, Florida Statutes, is amended to read:

121.135 Annual report to Legislature concerning state-administered retirement systems.—The Department of *Management Services Administration*, through its Division of Retirement, shall make to each regular session of the Legislature a written report on the operation and condition of the state-administered retirement systems.

Section 60. Section 121.136, Florida Statutes, is amended to read:

121.136 Annual benefit statement to members.—Beginning January 1, 1993, and each January thereafter, the Department of *Management Services Administration*, through its Division of Retirement, shall provide each active member of the Florida Retirement System with 5 or more years of creditable service an annual statement of benefits. Such statement should provide the member with basic data about the member's retirement account. Minimally, it shall include the member's retirement plan, the amount of funds on deposit in his retirement account, and an estimate of retirement benefits.

Section 61. Subsection (1) and paragraph (c) of subsection (2) of section 121.35, Florida Statutes, are amended to read:

121.35 Optional retirement program for the State University System.—

(1) **OPTIONAL RETIREMENT PROGRAM ESTABLISHED.**—The Division of Retirement of the Department of *Management Services Administration* shall establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for eligible members of the State University System who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through individual or group annuity contracts, which may be fixed or variable in nature, or a combination thereof. The state shall contribute, as provided in this section, toward the purchase of such optional benefits which shall be fully and immediately vested in the participants.

(2) **ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.**—

(c) For purposes of this section, the Division of Retirement of the Department of *Management Services Administration* is referred to as the "division."

Section 62. Paragraph (b) of subsection (3) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(3) **DEFINITIONS.**—The definitions provided in s. 121.021 shall not apply to this section except when specifically cited. For the purposes of this section, the following words or phrases have the respective meanings set forth:

(b) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 63. Subsection (6) of section 122.02, Florida Statutes, is amended to read:

122.02 **Definitions.**—The following words and phrases as used in this chapter shall have the following meaning unless a different meaning is plainly required by the context:

(6) "Division" means the Division of Retirement of the Department of *Management Services Administration*.

Section 64. Subsection (9) of section 122.03, Florida Statutes, is amended to read:

122.03 Contributions; participants; prior service credit.—

(9) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement of the Department of *Management Services Administration*, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and shall be used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 65. Section 122.09, Florida Statutes, is amended to read:

122.09 Disability retirement; medical examinations.—Whenever any officer or employee of the state or county of the state has service credit as such officer or employee for 10 years within the contemplation of this law, the last 5 years of which, except for a single break not to exceed 1 year, must be continuous, unbroken service and who is regularly contributing to the State and County Officers and Employees' Retirement Trust Fund and shall while holding such office or employment become permanently and totally disabled, physically or mentally, or both, from rendering useful and efficient service as such officer or employee, such officer or employee may retire from his office or employment, and upon such retirement he shall be paid, so long as his permanent and total disability continues, on his own monthly requisition, from the State and County Officers and Employees' Retirement Trust Fund hereinafter established, retirement compensation as provided in s. 122.08; provided that no officer or employee retiring under this section shall receive less than 50 percent of his average final compensation not to exceed \$75, provided further that the minimum benefits shall not apply to an officer or employee who has attained the age of 60 or is receiving disability payments from social security. No officer or employee of the state and county of the state shall be permitted to retire under the provisions of this section until examined by a duly qualified physician or surgeon or board of physicians and surgeons, to be selected by the Governor for that purpose, and found to be disabled in the degree and in the manner specified in this section. Any officer or employee retiring under this section shall be examined periodically by a duly qualified physician or surgeon or board of physicians and surgeons to be selected by the Governor for that purpose and paid from the retirement trust fund herein provided for, at such time as the Department of *Management Services Administration* shall direct to determine if such total disability has continued and in the event it be disclosed by said examination that said total disability has ceased to exist, then such officer or employee shall forthwith cease to be paid benefits under this section. Reference to s. 122.08 is for the purpose of computing benefits only. Any person heretofore retired under this section shall be eligible to qualify for the minimum benefits provided herein; however, minimum benefits shall not be paid retroactively.

Section 66. Section 122.13, Florida Statutes, is amended to read:

122.13 Administration of law; appropriation.—The Division of Retirement of the Department of *Management Services Administration* shall make such rules and regulations as are necessary for the effective administration of this chapter, and the cost is hereby annually appropriated and shall be paid into the State and County Officers and Employees' Retirement Trust Fund out of the Intangible Tax Fund in the State Treasury in the amount necessary to administer efficiently the state and county retirement law. At the end of each fiscal year, beginning with the fiscal year 1959-1960, the administrative cost of the state and county retirement system for the fiscal year just ended shall be refunded to the General Revenue Fund from interest earned on investments made subsequent to June 30, 1959.

Section 67. Section 122.23, Florida Statutes, is amended to read:

122.23 **Definitions.**—In addition to those definitions set forth in s. 122.02 the following words and phrases used in ss. 122.21-122.24, 122.26 to 122.321, inclusive, shall have the respective meanings set forth unless a different meaning is plainly required by the context:

(1) "System" means—the general retirement system provided by this chapter, with its two divisions.

(2) "Social security coverage" means—old age and survivors insurance as provided by the federal Social Security Act.

(3) "Division" means—the Division of Retirement of the Department of Management Services Administration.

(4) "Agreement" means—the modification of that certain agreement entered into October 23, 1951, between the State of Florida and the Secretary of Health, Education and Welfare, pursuant to s. 650.03, which makes available to members of division B of this system the provisions of said agreement.

(5) "State agency" means—Division of Retirement of the Department of Management Services Administration within the provisions and contemplation of chapter 650.

Section 68. Paragraph (c) of subsection (1) and subsection (11) of section 122.34, Florida Statutes, are amended to read:

122.34 Special provisions for certain sheriffs and full-time deputy sheriffs.—

(1)

(c) The Division of Retirement of the Department of Management Services Administration shall make such rules and regulations as are necessary for the effective administration of the intent of this section.

(11) No high hazard member shall be permitted to receive benefits under this section until examined by a duly qualified physician or surgeon, or board of physicians and surgeons, to be selected by the Governor for that purpose, and found to be disabled in the degree and in the manner specified in this section. At such time as the Department of Management Services directs Administration shall direct, any high hazard member receiving disability benefits under this section shall submit to a medical examination to determine if such disability has continued, and the cost of such examination shall be paid from the retirement trust fund herein provided for; and in the event it is declared by said examination that said disability has cleared, such member shall be ordered to return to active duty with the same rank and salary that he had at the time of disability. Any such member who shall fail to return to duty following such order shall forfeit all rights and claims under this law. Every high hazard member retiring under this provision shall be paid so long as his permanent total or partial disability continues, on his own requisition.

Section 69. Subsection (1) of section 123.01, Florida Statutes, is amended to read:

123.01 Supreme Court Justices, District Court of Appeal Judges, and Circuit Judges Retirement System established; divisions.—

(1) A retirement system for Supreme Court justices, district court of appeal judges, and circuit judges of the state is hereby established, which shall be administered by and under the supervision of the Division of Retirement of the Department of Management Services Administration.

Section 70. Subsections (2) and (8) of section 123.07, Florida Statutes, are amended to read:

123.07 Reduced retirement benefits with excess to beneficiary.—

(2) Any Supreme Court justice, district court of appeal judge, or circuit judge shall have the right at the time of retirement but prior to receipt of his first monthly installment of retirement compensation to elect to receive a reduced retirement compensation with the provision that if such justice or judge dies after retirement compensation installments have commenced, the excess, if any, of his total contributions made to the retirement trust fund, without interest, over the total retirement compensation received by him shall be paid in accordance with the beneficiary designated in the office of the Division of Retirement of the Department of Management Services Administration or, in the absence of such designation to his lawful heirs. The amount of such reduced retirement compensation shall be the actuarial equivalent of the amount of such retirement compensation otherwise payable to him.

(8) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement of the Department of Management Services Administration, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and shall be used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 71. Section 123.11, Florida Statutes, is amended to read:

123.11 Death prior to or after retirement; refund or forfeiture of benefits.—Should any justice or judge die before retiring under the provisions of this law, the heirs, legatees, beneficiaries, or personal representatives of such deceased justice or judge of the state shall be entitled to a refund of 100 percent, without interest, of the contributions made to the retirement trust fund by such deceased justice or judge. Any justice or judge may file, in writing, a designation of beneficiary and it shall be the duty of the Division of Retirement of the Department of Management Services Administration to pay the refund provided for herein for the deceased justice or judge to such designated beneficiary. The justice or judge shall have the privilege of changing, in writing, the designated beneficiary at any time. If the deceased justice or judge has received any benefits under this law, no refund shall be made except where this chapter expressly authorizes the same.

Section 72. Section 123.24, Florida Statutes, is amended to read:

123.24 Definitions.—The following words and phrases used in ss. 123.22 to 123.33, inclusive, shall have the respective meanings set forth unless a different meaning is plainly required by the context:

(1) "System" means—the general retirement system provided by this chapter, with its three divisions.

(2) "Social security coverage" means—old age and survivors insurance as provided by the federal Social Security Act.

(3) "Division" means—the Division of Retirement of the Department of Management Services Administration.

(4) "Agreement" means—the modification of that certain agreement entered into October 23, 1951, between the State of Florida and the Secretary of Health, Education, and Welfare, pursuant to s. 650.03, which makes available to members of division B of this system the provisions of said agreement.

(5) "State agency" means—the Division of Retirement of the Department of Management Services Administration within the provisions and contemplation of chapter 650.

Section 73. Paragraph (a) of subsection (1) of section 123.25, Florida Statutes, is amended to read:

123.25 Membership in division B.—

(1) Supreme Court justices, district courts of appeal judges, and circuit judges may become members of division B of this system in the manner and under circumstances as follows:

(a) A Supreme Court justice, district court of appeal judge, or circuit judge who is a member of this system on July 1, 1963, and prior to execution of the agreement in pursuance of affirmative referendum as herein-after provided, may transfer to division B by electing to do so in writing filed with the Division of Retirement of the Department of Management Services Administration. While membership in division B shall date from the filing of such election with the division, for the purposes of contributions to the system and benefits to members under this division, membership in division B shall take effect upon the date of execution of the agreement.

Section 74. Section 123.36, Florida Statutes, is amended to read:

123.36 Definitions.—The following words and phrases used in ss. 123.34 to 123.43, inclusive, shall have the respective meanings set forth unless a different meaning is plainly required by the context:

(1) "System" means—the general retirement system provided by this chapter with its three divisions.

(2) "Social security coverage" means—old age and survivors insurance as provided by the Federal Social Security Act.

(3) "Division" means—the Division of Retirement of the Department of Management Services Administration.

Section 75. Section 132.34, Florida Statutes, is amended to read:

132.34 Definitions.—Unless the context clearly indicates a different meaning, as used in ss. 132.33-132.47, the term:

(1) "Average remaining term" means, with respect to any general obligation bonds to be refunded, the product obtained by multiplying the

principal amount of such bonds maturing or subject to sinking fund installments in each bond year during the remaining term of such bonds by the number of bond years from the refunding date to each such maturity or sinking fund installment, and dividing the sum of the amounts thus obtained by the aggregate principal amount of such general obligation bonds to be refunded.

(2) "Average term" means, with respect to any issue of general obligation refunding bonds, the product obtained by multiplying the principal amount of such general obligation refunding bonds maturing or subject to sinking fund installments in each bond year by the term of such general obligation refunding bonds, and dividing the sum of the amounts thus obtained by the aggregate principal amount of such issue of general obligation refunding bonds.

(3) "Bonds" includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidence of indebtedness of any type or character.

(4) "Bond year" means the 1-year period commencing on the date of issuance of any bonds and each 1-year period subsequent thereto.

(5) ~~"Department" means the Department of Administration.~~

(5)(6) "Effective interest rate," with respect to any issue of general obligation bonds or general obligation refunding bonds, means that rate which is equal to the internal rate of return, compounded at the same frequency as moneys are actually paid to bond owners, which equates all future debt service payments to the net proceeds realized by the unit from the issuance of general obligation bonds or general obligation refunding bonds.

(6)(7) "Escrow agent" means the department of any bank or trust company, within or without the state, appointed by the governing body of the unit to hold and invest the proceeds of refunding bonds issued pursuant to s. 132.35.

(7)(8) "Escrow agreement" means an agreement entered into pursuant to s. 132.41 by and between a unit, as defined in s. 132.02, and the escrow agent.

(8)(9) "General obligation bonds" means any bonds which are secured by, or provide for their payment by, the pledge, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the ordinance or resolution authorizing their issuance, of the full faith and credit and taxing power of the county or municipality issuing such bonds and for the payment of which recourse may be had against the general fund of such county or municipality.

(9)(10) "General obligation refunding bonds" means general obligation bonds issued pursuant to s. 132.35 for the purpose of refunding or refinancing all or part of a prior issue or multiple issues of general obligation bonds or general obligation refunding bonds.

(10)(11) "Governing body" means the board or body of a unit vested with the power of determining the amount of the tax levies required for taxing the taxable property of such unit for the purpose of such unit.

(11)(12) "Internal rate of return" means the rate which, when applied to a series of interest and principal payments due at different dates, will result in the determination of a present value which precisely equals the amount received at the time at which bonds are issued.

(12)(13) "Issue" means any bonds which are issued at substantially the same time, are sold pursuant to a common plan of financing, and will be paid out of substantially the same source of funds or will have substantially the same claim to be paid out of substantially the same source of funds.

(13)(14) "Maturity" means the date upon which any general obligation bond or general obligation refunding bond becomes due and payable to the owner thereof.

(14)(15) "Net average interest cost rate" means:

(a) With respect to any general obligation bonds to be refunded, a fraction the numerator of which is the gross amount of interest to be paid from the refunding date through the remaining term of such bonds plus the original issue adjustment, and the denominator of which is the average remaining term of such general obligation bonds multiplied by the aggregate principal amount of such general obligation bonds outstanding on the refunding date; and

(b) With respect to any general obligation refunding bonds, a fraction the numerator of which is the gross amount of interest to be paid during the term of such refunding bonds plus the amount of any discount or minus the amount of any premium paid at the time of sale thereof, and the denominator of which is the average term of the issue of such general obligation refunding bonds multiplied by the aggregate principal amount thereof issued on the refunding date.

(15)(16) "Net proceeds" means the total proceeds of any general obligation refunding bonds issued pursuant to s. 132.35, plus any premium received upon the sale of such general obligation refunding bonds, less the underwriter's discount and all other management fees, costs, expenses, charges, and sales commissions associated with the issuance of such refunding bonds, including, but not limited to, any refunding expenses.

(16)(17) "Original issue adjustment" means the product obtained by multiplying the amount of discount paid or the negative of the amount of premium received on the general obligation bonds to be refunded at the time of their issuance by a fraction, the numerator of which is the aggregate principal amount of general obligation bonds to be refunded on the refunding date and the denominator of which is the aggregate principal amount of the general obligation bonds originally issued, of which the general obligation bonds to be refunded are a part.

(17)(18) "Present value" means the amount computed by discounting the principal and interest payments on both the general obligation refunding bonds and the general obligation bonds to be refunded from the respective maturities, or sinking fund installment dates, thereof to the date of issue of such bonds at a rate equal to the effective interest rate of the refunding bonds.

(18)(19) "Refunding date" means the first date on which interest accrues on any refunding bonds.

(19)(20) "Refunding expenses" means the costs and expenses incidental to the issuance of general obligation refunding bonds, including, but not limited to, the costs and expenses of developing the refunding financial plan; credit enhancement costs and expenses; fees and expenses of consultants, advisors, and counsel; costs and expenses of printing disclosure documents and bonds; initial fees of the escrow agent, payment agent, and bond registrar; and the costs and fees of performing the terms and conditions of the escrow agreement.

(20)(21) "Refunding financial plan" means the financial plan for a refunding as set forth in the refunding bond resolution relating thereto.

(21)(22) "Refunding bond resolution" means a resolution or ordinance authorizing the issuance of refunding bonds adopted pursuant to s. 132.36.

(22)(23) "Remaining term" means, with respect to any general obligation bonds to be refunded, the number of bond years from the refunding date to and including the earlier of the maturity or the sinking fund installment date of such bonds to be refunded.

(23)(24) "Sinking fund installment" means the amount of term bonds subject to mandatory redemption in any bond year prior to the maturity of such term bonds.

(24)(25) "Term" means the number of bond years from the date of issuance of any bond to the date of its maturity, or date of earlier mandatory redemption for a sinking fund installment.

(25)(26) "Term bonds" means bonds maturing in a single bond year which are subject to sinking fund installments prior to their stated maturity.

(26)(27) "Unit" means a county, city, town, special road and bridge district, special tax school district, and any other taxing district in the state.

Section 76. Paragraph (a) of subsection (1) and subsection (2) of section 145.19, Florida Statutes, are amended to read:

145.19 Annual percentage increases based on increase for state career service employees; limitation.—

(1) As used in this section, the term:

(a) "Annual factor" means 1 plus the lesser of:

1. The average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the Department of *Management Services Administration* or as provided in the General Appropriations Act; or

2. Seven percent.

(2) Each fiscal year, the salaries of all county officers listed in this chapter shall be adjusted by the annual factor. The Department of *Management Services Administration* shall certify the annual factor and the cumulative annual factors. The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter multiplied first by the initial factor, then by the cumulative annual factor, and finally by the annual factor. Any special qualification salary received under this chapter shall be added to such adjusted salary rate, which special qualification salary shall be \$2,000, but shall not exceed \$2,000.

Section 77. Subsection (2) of section 154.04, Florida Statutes, is amended to read:

154.04 Personnel of public health units; duties; compensation.—

(2) The personnel of the public health unit shall be employed by the Department of Health and Rehabilitative Services. The compensation of such personnel shall be determined under the rules of the Division of Personnel Management Services of the Department of *Management Services Administration*. Such employees shall engage in the prevention of disease and the promotion of health under the supervision of the Department of Health and Rehabilitative Services.

Section 78. Paragraph (b) of subsection (9) and paragraph (a) of subsection (10) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or amendment thereto.—

(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

(b) The hearing shall be conducted by a hearing officer of the Division of Administrative Hearings of the Department of *Management Services Administration*, who shall hold the hearing in the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow 10 days for the filing of exceptions to the recommended order and shall issue a final order within 30 days after receipt of the recommended order if the state land planning agency determines that the plan is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit, within 30 days after receipt, the recommended order to the Administration Commission for final agency action.

(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of *Management Services Administration*, which shall conduct a proceeding under s. 120.57 in the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

Section 79. Subsection (5) of section 189.4035, Florida Statutes, is amended to read:

189.4035 Preparation of official list of special districts.—

(5) The first official list of special districts shall be completed by October 1, 1990. Thereafter, the official list of special districts shall be updated by the department annually. The official list of special districts shall be distributed to independent special districts, the Auditor General, the Department of Revenue, the Department of Banking and Finance,

the Department of *Management General Services*, the Department of *Administration*, counties, municipalities, county property appraisers, tax collectors, and supervisors of elections.

Section 80. Subsection (2) of section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is hereby created and shall have the following special duties:

(2) Within an appropriate timeframe, the collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the *State Board of Administration Department of General Services*, the Division of Retirement of the Department of *Management Services Administration*, the Division of Ad Valorem Tax of the Department of Revenue, and the Commission on Ethics for the reporting required in ss. 11.45, 112.3144, 112.3145, 112.3148, 112.3149, 112.63, 200.068, 218.32, 218.34, and 218.38 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports shall consist of a list of special districts used in that state agency and information indicating which special districts did not comply with the reporting statutorily required by that agency.

Section 81. Subsection (3) of section 189.421, Florida Statutes, is amended to read:

189.421 Failure of district to disclose financial reports.—

(3) If the department determines that a good faith effort has not been made to file the report or that a reasonable time has passed and the reports have not been forthcoming, it may file a petition for hearing, pursuant to s. 120.57, on the question of the inactivity of the district. The proceedings and hearings required by ss. 189.416-189.422 shall be conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of *Management Services Administration* and shall be governed by the provisions of the Administrative Procedure Act. Such hearing shall be held in the county in which the district is located, pursuant to all the applicable provisions of chapter 120. Notice of the hearing shall be served on the district's registered agent and published at least once a week for 2 successive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice shall state the time, place, and nature of the hearing and that all interested parties may appear and be heard. Within 30 days of the hearing, the hearing officer shall file his report with the department in the manner provided in chapter 120.

Section 82. Subsection (1) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(1) The division under the applicable rules of the Department of *Management Services Administration* shall have the power to employ such employees and assistants and incur such other expenses as may be necessary for the administration of this part, within the limits of an appropriation for the operation of the Department of Business Regulation as may be authorized by the General Appropriations Act.

Section 83. Subsection (1) of section 210.75, Florida Statutes, is amended to read:

210.75 Administration.—

(1) The division, under the applicable rules of the Department of *Management Services Administration*, shall have the power to employ such employees and assistants and to incur such other expenses as may be necessary for the administration of this part within the limits of an appropriation for the operation of the Department of Business Regulation as may be authorized by the General Appropriations Act.

Section 84. Section 215.425, Florida Statutes, is amended to read:

215.425 Extra compensation claims prohibited.—No extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made; nor shall any money be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by bill passed by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a

fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1 of that fiscal year. The provisions of this section do not apply to extra compensation given to state employees who are included within the senior management group pursuant to rules adopted by the Department of *Management Services Administration*.

Section 85. Subsection (2) of section 215.515, Florida Statutes, is amended to read:

215.515 Investment accounts; charges for services.—

(2) The charges established and any revisions thereof shall be reviewed by the Department of *Management Services Administration*. The review, and any recommendations of the Department of *Management Services Administration* accompanying the review, may be considered by the board prior to the adoption of the charges or revision thereof by the board.

Section 86. Subsection (6) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(6) The Department of *Management Services Administration* shall be the functional owner of the State Personnel Payroll Information Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of s. 110.116 and this act. The subsystem shall include, but shall not be limited to, components for:

- (a) Maintenance of employee and position data.
- (b) Recruitment and examination.
- (c) Time reporting.
- (d) Retirement contributions and certification.

Section 87. Subsection (2) of section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council.—

(2) The coordinating council shall consist of the Comptroller; the Treasurer; the secretary of the Department of *Management Services Administration*; the Director of Planning and Budgeting, Executive Office of the Governor; ~~the executive director of the Department of General Services~~; the executive director of the Department of Revenue; and the executive director of the State Board of Administration, or their designees. The Comptroller, or his designee, shall be chairman of the coordinating council and shall provide administrative and clerical support to the council. The Comptroller shall maintain the minutes of each meeting and shall make such minutes available to any interested person. The Auditor General and the executive administrator of the Information Resource Commission, or their designees, shall serve without voting rights as ex officio members on the coordinating council. The chairman may call meetings of the coordinating council as often as necessary to transact business; however, the coordinating council shall meet at least once a year.

Section 88. Subsection (2) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(2) For purposes of this chapter, ~~each of the term following terms has the meaning indicated:~~

(a) "Approved operating budget" or "approved budget" means the plan of operations consisting of the original approved operating budget and statement of intent.

(b) "Commission" means the Administration Commission composed of the Governor and Cabinet.

(c) ~~"Department" means the Department of Administration.~~

(c)(d) "Emergency situation" means a set of conditions that were unforeseen at the time the General Appropriations Act was adopted and that are essential to correct in order to continue the operation of government, or a set of conditions that were not considered in the General Appropriations Act and that constitute an imminent threat to public health, safety, or welfare. This definition shall not apply to the emergency provisions of chapter 252.

(d)(e) "Impoundment" means the omission of any appropriation or part of an appropriation in the approved operating plan prepared pursuant to the provisions of s. 216.181 or in the schedule of releases prepared pursuant to the provisions of s. 216.192 or the failure of any state agency to spend an appropriation for the stated purposes authorized in the approved operating budget.

Section 89. Subsection (2) of section 216.0165, Florida Statutes, is amended to read:

216.0165 Agency evaluation and justification.—

(2) Each agency or entity subject to the provisions of this section shall be subject to periodic evaluation and review no more often than once every 7 years or less often than once every 15 years. The agency evaluation and justification review of an agency shall include all adjunct authorities, boards, committees, offices, and commissions within or connected to an agency, and all adjunct agencies which are by law contained in or responsible to the agency which is the subject of the evaluation and review. The evaluation and review may include consideration of programs provided by other agencies which are integrally related to the programs administered by the agency which is scheduled for evaluation and review. The evaluations and reviews shall be initiated in the following order, subject to revision by the Legislative Auditing Committee as provided in subsection (3):

- (a) The Department of Revenue.
- (b) The Department of Environmental Regulation.
- (c) The Department of Natural Resources.
- (d) The Game and Fresh Water Fish Commission.
- (e) The Department of the Lottery.
- (f) The Department of Corrections.
- (g) The Florida Parole Commission.
- (h) The Department of Health and Rehabilitative Services.
- (i) The Department of Education.
- (j) The Department of Professional Regulation.
- (k) The Department of Transportation.
- (l) The Department of Community Affairs.
- (m) The Department of Legal Affairs.
- (n) The Department of Law Enforcement.
- (o) The Judicial Branch.
- (p) The Department of Banking and Finance.
- ~~(q) The Department of Administration.~~
- (q)(r) The Department of Business Regulation.
- (r)(s) The Department of Agriculture and Consumer Services.
- (s)(t) The Department of Commerce.
- (t)(u) The Department of State.
- (u)(v) The Department of Veterans' Affairs.
- (v)(w) The Department of Military Affairs.
- (w)(x) The Executive Office of the Governor.
- (x)(y) The Legislative Branch.
- (y)(z) The Public Service Commission.
- (z)(aa) The Department of Labor and Employment Security.
- (aa)(bb) The Department of Insurance.
- (bb)(cc) The Department of *Management General Services*.
- (cc)(dd) The Department of Highway Safety and Motor Vehicles.
- (dd)(ee) The Department of Citrus.

Section 90. Paragraphs (c), (d), (e), and (f) of subsection (1) and subsection (4) of section 216.262, Florida Statutes, are amended to read:

216.262 Authorized positions.—

(1)

(c) No individual employed by a state agency may hold more than one employment during his normal working hours with the state, such working hours to be determined by the head of the state agency affected, unless approved by the Department of Management Services.

(d) No individual employed by a state agency may fill more than a total of one full-time equivalent established position, receive compensation simultaneously from any appropriation other than appropriations for salaries, or receive compensation simultaneously from more than one state agency unless approved by the Department of Management Services during each fiscal year.

(e) No perquisites may be furnished by a state agency unless approved by the Division of Personnel Management Services during each fiscal year. Whenever a state agency is to furnish those things defined as perquisites herein, the Department of Management Services must ~~Administration shall~~ approve the kind and monetary value of such perquisites before they may be furnished.

(f) If goods and services are to be sold to officers and employees of a state agency rather than being furnished as perquisites, the kind and selling price thereof shall be approved by the Department of Management Services during each fiscal year before such sales are made. The selling price may be deducted from any amounts due by the state to any person receiving such things. The amount of cash so deducted shall be faithfully accounted for. This ~~paragraph provision~~ does not apply to sales to officers or employees of items generally sold to the public and does not apply to meals which may be provided without charge to volunteers under a volunteer service program approved by the Department of Management Services.

(4) No full-time position shall be filled by more than the equivalent of one full-time officer or employee, except as provided for in rules to be adopted by the Department of Management Services ~~Administration~~.

Section 91. Subsection (2) of section 218.32, Florida Statutes, is amended to read:

218.32 Financial reporting; units of local government.—

(2) The department shall annually file a verified report by May 1 with the Governor, the Legislature, and the Special District Information Program of the Department of Community Affairs showing, in detail, the numbers and types of units of local government and the revenues, both locally derived and derived from intergovernmental transfers, and expenditures of such units. The report shall include, but shall not be limited to:

(a) Analyses of retirement information of all local retirement systems as provided by the Division of Retirement of the Department of Management Services ~~Administration~~.

(b) Analyses of bonded indebtedness of all units of local government, including general obligation bonds, revenue bonds, industrial development bonds, limited revenue bonds, special assessment bonds, and short-term debt, as provided by the Division of Bond Finance of the ~~State Board Department of Administration General Services~~, and any additional items of data or analyses thereof as developed by the department.

Section 92. Paragraph (m) of subsection (4) and paragraph (j) of subsection (10) of section 230.23, Florida Statutes, are amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board as acceptable, including provisions that:

1. The school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

2. The school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved nonpublic schools or community facilities which meet standards established by the state board.

3. The school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent or guardian of a sensory-impaired student.

4. The school board submit annually to the department its proposed procedures for the provision of special instruction and services for exceptional students.

5. No student be given special instruction or services as an exceptional student until after he has been properly evaluated, classified, and placed in the manner prescribed by rules of the state board. The parent or guardian of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent or guardian that he is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.57 and 286.011, and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1), to the extent that the state board adopts rules establishing other procedures. These exemptions from ss. 119.07(1) and 286.011 are subject to the Open Government Sunset Review Act in accordance with s. 119.14. The hearing shall be conducted by a hearing officer from the Division of Administrative Hearings, of the Department of Management Services ~~Administration~~. The decision of the hearing officer shall be final, except that any party aggrieved by the finding and decision rendered by the hearing officer shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the hearing officer shall have the right to request an impartial review of the hearing officer's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents or guardian otherwise agree, the child shall remain in his then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents or guardian, in the public school program until all such proceedings have been completed.

6. In providing for the education of exceptional students, the superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students whenever this is possible. No student shall be segregated and taught apart from normal students until a careful study of the student's case has been made and evidence has been obtained which indicates that segregation would be for the student's benefit or is necessary because of difficulties involved in teaching the student in a regular class.

7. The principal of the school in which the student is taught shall keep a written record of the case history of each exceptional student showing the reason for the student's withdrawal from the regular class in the public school and his enrollment in or withdrawal from a special class for exceptional students. This record shall be available for inspection by school officials at any time.

8. The district school board shall establish the amount to be paid by the district school board for each individual exceptional student contract with a nonpublic school.

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(j) Purchasing regulations to be secured from Department of Management General Services.—Secure purchasing regulations and amendments and changes thereto from the Division of Purchasing of the Department of Management General Services and prior to any purchase have reported to it by its staff, and give consideration to the lowest price available to it under such regulations, provided a regulation applicable to the item or items being purchased has been adopted by the Division of Purchasing. The Division of Purchasing should meet with educational administrators to expand the inventory of standard items for common usage in all schools and higher education institutions.



Section 93. Subsection (5) of section 231.262, Florida Statutes, is amended to read:

231.262 Complaints against teachers and administrators; procedure.—

(5) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. A hearing officer shall be assigned by the Division of Administrative Hearings of the ~~Department of Administration~~ *Commission* to hear the complaint unless all parties, including the Department of Education, agree in writing that there is no disputed issue of material fact. The hearing officer shall make recommendations in accordance with the provisions of subsection (6) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

Section 94. Paragraph (e) of subsection (3) of section 231.36, Florida Statutes, is amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(3)

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29(4) ~~s. 231.29(5)~~, charges the employee with unsatisfactory performance as determined under the provisions of s. 231.29 and notifies the employee in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or his designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29(4) ~~s. 231.29(5)~~, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the employee's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 45 days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of s. 120.57(1)(a)1. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of *Management Services*

~~Administration~~. The hearing shall be conducted within 45 days of receipt of the written appeal in accordance with chapter 120. The recommendation of the hearing officer shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the hearing officer's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 95. Subsection (2) of section 238.01, Florida Statutes, is amended to read:

238.01 Definitions.—The following words and phrases as used in this chapter shall have the following meanings unless a different meaning is plainly required by the context:

(2) "Division" means the Division of Retirement of the Department of *Management Services* ~~Administration~~.

Section 96. Subsection (1) of section 238.03, Florida Statutes, is amended to read:

238.03 Administration.—

(1) The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of this chapter are vested in the Division of Retirement of the Department of *Management Services* ~~Administration~~. Subject to the limitation of this chapter, the division shall, from time to time, establish rules and regulations for the administration and transaction of the business of the retirement system and shall perform such other functions as are required for the execution of this chapter.

Section 97. Subsection (7) of section 238.08, Florida Statutes, is amended to read:

238.08 Optional benefits.—A member may elect to receive his benefits under the terms of this chapter according to the provisions of any one of the following options:

(7) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement ~~of the Department of Administration~~, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and shall be used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 98. Paragraph (a) of subsection (2) of section 238.11, Florida Statutes, is amended to read:

238.11 Collection of contributions.—

(2) The collection of the state contribution shall be made as follows:

(a) The amounts required to be paid by the state into the Teachers' Retirement System in this chapter shall be provided therefor in the General Appropriations Act. However, in the event a sufficient amount is not included in the General Appropriations Act to meet the full amount needed to pay the retirement compensation provided for in this chapter, the additional amount needed for such retirement compensation is hereby appropriated from the General Revenue Fund as approved by the Department of *Management Services* ~~Administration~~.

Section 99. Paragraph (f) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of *Management Services* ~~Administration~~ or its ~~secretary~~ over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules delegating its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Depart-

ment of *Management Services Administration* for other state employees. The Department of *Management Services Administration* shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1231, 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238. The board shall adopt only those rules necessary to provide for a coordinated, efficient systemwide program and shall delegate to the universities all authority necessary for implementation of the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. Notwithstanding the provisions of s. 216.181(4), the salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

Section 100. Subsection (4) of section 240.343, Florida Statutes, is amended to read:

240.343 Sick leave.—Each community college district board of trustees shall adopt rules whereby any full-time employee who is unable to perform his duties at the college on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of the employee's father, mother, brother, sister, husband, wife, child, or other close relative or member of the employee's own household, and who consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(4) EXPENDITURE AUTHORIZED.—Community college boards of trustees are authorized to expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules ~~adopted promulgated~~ by the Department of *Management Services Administration* pursuant to chapter 650.

Section 101. Paragraph (g) of subsection (4) of section 242.68, Florida Statutes, is amended to read:

242.68 Education for state prisoners; Correctional Education School Authority; Board of Correctional Education.—

(4) There is hereby established the position of Director of Correctional Education who shall be appointed by the board and shall serve at the discretion of the board. The director shall:

(g) Develop a compensation and classification plan for correctional educators which is competitive with school district salaries and includes a step pay plan. The director shall administer the compensation and classification plan for instructional personnel within the rules and policies established by the board, subject only to the approval of the State Board of Education. The director shall administer the compensation and classification plan for administrative and noninstructional personnel within the rules and policies established by the board, subject only to the approval of the Department of *Management Services Administration*.

Section 102. Subsection (6) of section 250.22, Florida Statutes, is amended to read:

250.22 Retirement.—

(6) All powers, duties, and functions related to the administration of this section are vested in the Department of *Management Services Administration* and shall be assigned to the Division of Retirement.

Section 103. Subsection (4) of section 252.38, Florida Statutes, is amended to read:

252.38 Emergency management powers of political subdivisions.—

(4) Each local emergency management agency created and established pursuant to the provisions of ss. 252.31-252.60 shall have a director who shall be appointed and have his annual salary fixed by the board of county commissioners of the county or the governing body of a city or town, as appropriate. Such a director shall meet the minimum training and education qualifications established in a job description approved by the Department of *Management Services Administration* or the political subdivision. Such directors shall be appointed by their respective political subdivisions, to serve at their pleasure, subject to their direction and control, in conformance with applicable resolutions, ordinances, and Florida statutes. Each political subdivision shall promptly inform the division of the appointment of directors and other personnel. Each director shall have direct responsibility for the organization, administration, and operation of the local emergency management agency, subject only to the direction and control of the governing body of the political subdivision

and of the division. The director shall coordinate the activities, services, and programs for emergency management within the county or municipality and shall maintain liaison with other state and local emergency management agencies.

Section 104. Subsection (2) of section 253.126, Florida Statutes, is amended to read:

253.126 Legislative intent.—The limitations and restrictions imposed by this chapter as amended by chapter 67-393 upon the construction of islands or the extension or addition to existing lands or islands bordering on or being in the navigable waters, as defined in s. 253.12, shall apply to the state, its agencies and all political subdivisions and governmental units. No other general or special act shall operate to grant exceptions to this section unless this section is specifically repealed thereby.

(2) The provisions of chapter 120 shall be accorded any person where substantial interests will be affected by an activity proposed to be conducted by such agency pursuant to its certification and the department's acceptance. If a proceeding is conducted pursuant to s. 120.57, the department may intervene as a party. Should a hearing officer of the Division of Administrative Hearings of the ~~Department of Administration~~ *Commission* submit a recommended order pursuant to s. 120.57, the Department of Environmental Regulation shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

Section 105. Subsection (2) of section 266.0006, Florida Statutes, is amended to read:

266.0006 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 106. Subsection (2) of section 266.0016, Florida Statutes, is amended to read:

266.0016 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 107. Subsection (2) of section 266.0026, Florida Statutes, is amended to read:

266.0026 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 108. Subsection (2) of section 266.0036, Florida Statutes, is amended to read:

266.0036 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 109. Subsection (2) of section 266.0046, Florida Statutes, is amended to read:

266.0046 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 110. Subsection (2) of section 266.0056, Florida Statutes, is amended to read:

266.0056 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 111. Subsection (2) of section 266.0066, Florida Statutes, is amended to read:

266.0066 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(2) Recommend to the department the salary of the manager within the range permissible under Department of *Management Services Administration* guidelines.

Section 112. Section 284.36, Florida Statutes, is amended to read:

284.36 Appropriation deposits; premium payment.—~~During the period beginning July 1, 1972, and ending June 30, 1973, the Department of Administration, at the request of the Treasurer, may transfer any funds appropriated in the General Appropriation Act or other acts of the Legislature for the purpose of providing workers' compensation, general liability, and fleet automotive liability coverage to the Florida Casualty Insurance Risk Management Trust Fund. Future premiums for coverage by the Florida Casualty Insurance Risk Management Trust Fund as calculated on all coverages shall be billed and charged to each state agency according to coverages obtained by the fund for their benefit, and such obligations shall be paid promptly by each agency from its operating budget upon presentation of a bill therefor. After the first year of operation, premiums to be charged to all departments of the state are to be computed on a retrospective rating arrangement based upon actual losses accruing to the fund, taking into account reasonable expectations, the maintenance and stability of the fund, and the cost of insurance.~~

Section 113. Subsection (3) of section 287.17, Florida Statutes, is amended to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(3) The term "official state business" may not be construed to permit the use of a motor vehicle or aircraft for personal business or commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of *Management Services Administration*, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

Section 114. Subsection (3) of section 295.11, Florida Statutes, is amended to read:

295.11 Investigation; administrative hearing for not employing preferred applicant.—

(3) When a satisfactory resolution to the complaint is not forthcoming, the department or its designee shall, upon written request of the complainant and with advisory assistance from the Department of *Management Services Administration*, testify at the Public Employee Relations Commission hearing as to the investigative findings. The complainant, however, may be represented at the hearing by counsel of his choice at his expense.

Section 115. Subsection (1) of section 321.04, Florida Statutes, is amended to read:

321.04 Personnel of the highway patrol; rank classifications; probationary status of new patrol officers; subsistence; special assignments.—

(1) The Department of Highway Safety and Motor Vehicles shall employ patrol officers, as authorized by the Legislature in appropriating funds for their salaries exclusive of those members of the patrol who are assigned to and paid by special departments; and shall establish the necessary supervisory ranks within the Florida Highway Patrol to efficiently supervise and carry out the designated functions of the patrol and the department in accordance with the regulations established by the Department of *Management Services Administration*.

Section 116. Subsection (2) of section 321.17, Florida Statutes, is amended to read:

321.17 Contributions; leaving patrol; leave of absence; transferees.—

(2) Such members as are eligible for service credit as set forth under s. 321.19(1) may pay to the Treasurer to the credit of the Highway Patrol Pension Trust Fund, the sum of \$5 for each month of such service credit. Satisfactory proof of former service must be furnished the Division of Retirement of the Department of *Management Services Administration* in the form of a sworn, written statement from the member's former employer or other reliable person, or other documents of proof as may be required by them. Such money as becomes due by reason of this clause shall be paid by said employee in equal monthly payments over a period not to exceed 60 months after October 1, 1945. Employees who fail to take advantage of the benefits offered under s. 321.19(1) within 90 days after October 1, 1945, shall forfeit such service credits forever. New members who may hereafter enter the service of division of the Florida Highway Patrol who fail to take advantage of the benefits offered under s. 321.19(1) within 90 days after time of employment shall forfeit such service credits forever.

Section 117. Paragraph (d) of subsection (1) of section 321.19, Florida Statutes, is amended to read:

321.19 Computing length of service; definitions; examining committee.—

(1)

(d) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement of the Department of *Management Services Administration*, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his death. Such service shall be added to the creditable service of the member and used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

Section 118. Subsection (1) of section 321.191, Florida Statutes, is amended to read:

321.191 Non-service-connected disability retirement.—

(1) A member who becomes totally and permanently disabled after completing 10 years of service shall be entitled to a disability benefit. The disability retirement date for such member shall be the first day of the month following the month during which the Division of Retirement of the Department of *Management Services Administration* approved payment of disability retirement benefits.

Section 119. Section 321.202, Florida Statutes, is amended to read:

321.202 Termination by death subsequent to normal retirement date but prior to actual retirement.—If the employment of a member is terminated by reason of his death subsequent to his normal retirement date but prior to his actual retirement, it shall be assumed that the member retired as of his date of death and that he had elected the optional form of payment most favorable to his legal spouse as determined by the Division of Retirement of the Department of *Management Services Administration*. The benefits so determined shall be payable monthly to the spouse until the death of the spouse.

Section 120. Subsection (1) of section 321.2205, Florida Statutes, is amended to read:

321.2205 Surviving spouses' benefit options.—Notwithstanding any other provision in this chapter to the contrary, the following provisions shall apply to any member who has accumulated at least 10 years of service and dies:

(1) If the deceased member's surviving spouse has previously received a refund of the member's contributions made to the Highway Patrol Pension Trust Fund, such spouse may pay to the Division of Retirement of the Department of *Management Services Administration* an amount equal to the sum of the amount of the deceased member's contributions previously refunded and interest at 3 percent compounded annually on the amount of such refunded contributions from the date of refund to the date of payment to the Division of Retirement, and receive the monthly retirement benefit provided in subsection (3).

Section 121. Paragraph (d) of subsection (2) of section 337.165, Florida Statutes, is amended to read:

337.165 Contract crime; denial or revocation of a certificate of qualification.—

(2)

(d) A contractor or affiliate whose certificate has been denied or revoked may, at any time after denial or revocation, petition for and be granted a hearing to determine his eligibility for reapplication or reinstatement upon such terms and conditions as may be prescribed upon finding that reapplication or reinstatement is in the public interest. The petition shall be filed with the department. Any hearing conducted by the department shall be conducted within 30 days after receipt of the petition, unless otherwise stipulated by the parties. If the contractor or affiliate requests in his petition that the hearing be conducted by the Division of Administrative Hearings of the Department of *Management Services Administration*, the department shall, within 5 days after receipt of the petition, notify the division of the request. The director of the Division of Administrative Hearings shall, within 5 days after the notice by the department, assign a hearing officer, who shall conduct the hearing within 30 days thereafter, unless otherwise stipulated by the parties. The department shall be a party in interest in any hearing conducted by the Division of Administrative Hearings. In determining whether reapplication or reinstatement would be in the public interest, the department or division hearing officer shall give consideration to any relevant mitigating circumstances, which may include, but are not limited to, the following:

1. The degree of culpability;
2. Prompt and voluntary payment of damages to the state as a result of the contractor's violation of state or federal antitrust laws;
3. Cooperation with any state or federal prosecution or investigation of a contract crime;
4. Disassociation with those involved in a contract crime;
5. Reinstatement in other state or federal jurisdictions; and
6. The needs of the department in completing its programs in a timely, cost-effective manner.

The department or division hearing officer shall also consider the failure of the contractor or affiliate to comply with the notification provisions of subsection (5). Any hearing requested under this paragraph shall be conducted and concluded without undue delay. The hearing officer shall, within 30 days after the hearing, complete and submit a final order to the department, which order may not be altered or amended by the department. If eligibility for reapplication or reinstatement is denied, the contractor or affiliate may not petition for a subsequent hearing for a period of 9 months following the date of the order of denial or revocation. However, a hearing prior to the expiration of such period may be authorized by the department if, in its discretion, it determines that a hearing is in the public interest.

Section 122. Subsection (3) of section 350.0614, Florida Statutes, is amended to read:

350.0614 Public Counsel; compensation and expenses.—

(3) Neither the Executive Office of the Governor nor the Department of *Management Services Administration* or its successor shall have power to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any manner of control over them.

Section 123. Section 350.125, Florida Statutes, is amended to read:

350.125 Administrative hearing officers.—Any provision of law to the contrary notwithstanding, the commission shall utilize hearing officers of the Division of Administrative Hearings of the Department of *Management Services Administration* to conduct hearings of the commission not assigned to members of the commission.

Section 124. Subsection (1) of section 370.0821, Florida Statutes, is amended to read:

370.0821 St. Johns County; use of nets.—

(1) In addition to all other restrictions imposed by this section, the use of any type of net or seine, other than a common cast net or a recreational net as hereafter defined, is prohibited in the salt waters of St. Johns County, and within  $\frac{1}{4}$  mile seaward of the beaches and coast thereof, between May 1 and September 15 each year. During the remainder of the year, the use of nets or seines, other than common cast nets or recreational nets as hereafter defined, is prohibited on Saturdays, Sundays, and all legal holidays designated as such by the Department of *Management Services Administration*.

Section 125. Section 376.10, Florida Statutes, is amended to read:

376.10 Personnel and equipment.—The department shall establish and maintain at such ports within the state and other places as it shall determine such employees and equipment, other than equipment furnished by the registrant, as in its judgment may be necessary to carry out the provisions of ss. 376.011-376.21. The department may employ and prescribe the duties of such employees, subject to the rules and regulations of the Division of Personnel Management Services of the Department of *Management Services Administration*. The salaries of the employees and the cost of the equipment shall be paid from the Florida Coastal Protection Trust Fund established by ss. 376.011-376.21. The department shall periodically consult with other departments of the state and specifically with the Department of Environmental Regulation relative to procedures for the prevention of discharges of pollutants into or affecting the coastal waters of the state from operations regulated by ss. 376.011-376.21.

Section 126. Paragraph (b) of subsection (5) of section 381.709, Florida Statutes, is amended to read:

381.709 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(b) Hearings shall be held in Tallahassee unless the hearing officer determines that changing the location will facilitate the proceedings. In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the department in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district, provided that existing health care providers, other than the applicant, have no standing or right to initiate or intervene in an administrative hearing involving a health care project which is subject to certificate-of-need review solely on the basis of s. 381.706(1)(c). The department shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of *Management Services Administration* within 10 days after the time has run to request a hearing. Except upon unanimous consent of the parties or upon the granting by the hearing officer of a motion of continuance, hearings shall commence within 60 days after the hearing officer has been assigned. All non-state-agency parties shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the hearing officer shall complete and submit to the parties a recommended order as provided in s. 120.57(1)(b). The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

Section 127. Section 402.35, Florida Statutes, is amended to read:

402.35 Employees.—All personnel of the Department of Health and Rehabilitative Services shall be governed by rules and regulations adopted and promulgated by the Department of *Management Services Administration* relative thereto except the director and persons paid on a fee basis. The Department of Health and Rehabilitative Services may participate with other state departments and agencies in a joint merit system. No federal, state, county, or municipal officer shall be eligible to serve as an employee of the Department of Health and Rehabilitative Services.

Section 128. Paragraph (b) of subsection (14) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(14) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution and provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(b) The provisions of chapter 120 shall be accorded any person when substantial interests will be affected by an activity proposed to be conducted by the Department of Transportation pursuant to its certification and the acceptance of the Department of Environmental Regulation. If a proceeding is conducted pursuant to s. 120.57, the Department of Environmental Regulation may intervene as a party. Should a hearing officer of the Division of Administrative Hearings of the Department of *Management Services Administration* submit a recommended order pursuant to s. 120.57, the Department of Environmental Regulation shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

Section 129. Paragraph (c) of subsection (3) of section 406.075, Florida Statutes, is amended to read:

406.075 Grounds for discipline; disciplinary proceedings.—

(3)

(c) A formal hearing before a hearing officer from the Division of Administrative Hearings of the Department of *Management Services Administration* shall be held pursuant to chapter 120 unless all parties agree in writing that there is no disputed issue of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

Section 130. Paragraph (b) of subsection (3) of section 408.001, Florida Statutes, is amended to read:

408.001 Florida Health Care Purchasing Cooperative.—

(3) BOARD OF DIRECTORS.—

(b) The initial board of directors shall consist of:

1. The Director of the Division of State Employees Insurance of the Department of *Management Services Administration*;

2. The Assistant Secretary for Medicaid of the Department of Health and Rehabilitative Services;

3. The Assistant Secretary for Health Services of the Department of Corrections;

4. Two persons who are responsible for purchasing health benefits for municipal employees and who are appointed by the Florida League of Cities;

5. A person who is responsible for purchasing health care benefits for county employees or health care services for county clients and who is appointed by the Florida Association of Counties; and

6. A person who is responsible for purchasing health care benefits for school district employees and who is appointed by the Florida Association of School Administrators.

Appointments to the initial board of directors shall be made by August 1, 1991. The appointed members of the initial board of directors shall be appointed for 2 years and may be reappointed. The Director of the Division of State Employees Insurance shall chair the initial board of directors.

Section 131. Paragraphs (a) and (h) of subsection (4) of section 409.029, Florida Statutes, are amended to read:

409.029 Florida Employment Opportunity Act.—

(4) INTER-AGENCY SERVICE INTEGRATION.

(a) The department is designated as the single state agency responsible for the planning, integration, and coordination of employment-related services for public assistance recipients. All appropriate state and local agencies shall cooperate with the department in planning the service delivery system specified under this act and in rendering certain services specified under this act. Appropriate state agencies include, but are not limited to, the Department of Commerce, the Department of Labor and Employment Security, the Department of Education, the Department of *Management Services Administration*, the Department of Revenue, and the Department of Community Affairs. Appropriate local agencies include, but are not limited to, district school boards, state universities, community colleges, and private industry councils.

(h) ~~By January 1, 1988,~~ The Department of *Management Services Administration* shall establish and implement a policy requiring that each agency in the state establish an annual goal for hiring public assistance recipients into a minimum of 10 percent of entry level vacancies requiring a high school education or less.

Section 132. Paragraph (a) of subsection (5) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(5) FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE.—Benefits paid to employees of this state or any instrumentality of this state, or to employees of any political subdivision of this state or any instrumentality thereof, based upon service defined in s. 443.036(19)(b), shall be financed in accordance with this subsection.

(a)1. Unless an election is made as provided in paragraph (c), the state or any political subdivision of the state shall pay into the Unemployment Compensation Trust Fund an amount equivalent to the amount of regular benefits, short-time compensation benefits, and extended benefits paid to individuals, based on wages paid by the state or the political subdivision for service defined in s. 443.036(19)(b).

2. Should any state agency become more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the division shall certify to the Comptroller the amount due and the Comptroller shall, ~~upon approval after a hearing by the Department of Administration,~~ transfer the amount due to the Unemployment Compensation Trust Fund from the funds of such agency that may legally be ~~used~~ utilized for such purpose. In the event any political subdivision of the state or any instrumentality thereof becomes more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, then, upon request by the division after a hearing, the Department of Revenue or the Department of Banking and Finance, as the case may be, shall deduct the amount owed by the political subdivision or instrumentality from any funds to be distributed by it to the county, city, special district, or consolidated form of government for further distribution to the trust fund in accordance with this chapter. Should any employer for whom the city or county tax collector collects taxes fail to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the division and upon receipt of a certificate showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit same to the Department of Labor and Employment Security for further distribution to the trust fund in accordance with this chapter. This subparagraph does not apply to those amounts due for benefits paid prior to October 1, 1979. This subparagraph does not apply to amounts owed by a political subdivision for benefits erroneously paid where the claimant is required to repay to the division under s. 443.151(6)(a) or (b) any sum as benefits received.

Section 133. Subsection (5) of section 455.225, Florida Statutes, is amended to read:

455.225 Disciplinary proceedings —

(5) A formal hearing before a hearing officer from the Division of Administrative Hearings ~~of the Department of Administration~~ shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

Section 134. Subsection (4) of section 650.02, Florida Statutes, is amended to read:

650.02 Definitions.—For the purpose of this chapter:

(4) The term "state agency" means the Division of Retirement of the Department of *Management Services Administration*.

Section 135. Section 760.04, Florida Statutes, is amended to read:

760.04 Commission on Human Relations, assigned to *Executive Office Department of the Governor Administration*.—The commission created by s. 760.03 is assigned to the *Executive Office Department of the Governor Administration*. The commission, in the performance of its duties under ss. 760.01-760.10, shall not be subject to control, supervision, or direction by the *Governor Department of Administration*.

Section 136. Subsection (10) of section 11.148, Florida Statutes, is amended to read:

11.148 Functions under administration of Joint Legislative Management Committee.—The Joint Legislative Management Committee shall be responsible for the administration of the following functions:

(10) Taking advantage of federal General Services Administration contracts and state contracts negotiated by the Division of Purchasing of the Department of *Management General Services*.

Section 137. Subsection (4) of section 11.45, Florida Statutes, as amended by section 2 of chapter 91-429, Laws of Florida, is amended to read:

11.45 Definitions; duties; audits; reports.—

(4) If the Auditor General conducts an audit of a special district which indicates in its findings problems related to debt policy or practice, including failure to meet debt service payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of a special district's revenue-producing capacity, a copy of the audit shall be submitted to the Division of Bond Finance of the *State Board Department of Administration General Services* for review and comment. Upon receipt of this notification from the Auditor General, the Division of Bond Finance shall prepare a brief report describing the previous debt issued by the special district and submit the report to the Legislative Auditing Committee for their review and consideration.

Section 138. Subsection (2) of section 14.057, Florida Statutes, is amended to read:

14.057 Governor-elect; establishment of operating fund.—

(2) The Department of *Management General Services* shall provide for the Governor-elect, his staff, and the inauguration staff temporary office facilities in the capitol center for the period extending from the day of the certification of his election by the Elections Canvassing Commission to the day of his inauguration.

Section 139. Subsection (15) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(15) Have the authority to perform any of the functions of the Department of *Management General Services* under chapter 255, chapter 273, chapter 281, chapter 283, or chapter 287, or any rules adopted under any such chapter, and may grant approvals provided for under any such chapter or rules. If the department finds, by rule, that compliance with any such chapter would impair or impede the effective or efficient operation of the lottery, the department may adopt rules providing alternative

procurement procedures. Such alternative procedures shall be designed to allow the department to evaluate competing proposals and select the proposal that provides the greatest long-term benefit to the state with respect to the quality of the products or services, dependability and integrity of the vendor, dependability of the vendor's products or services, security, competence, timeliness, and maximization of gross revenues and net proceeds over the life of the contract.

Section 140. Subsection (2) of section 27.34, Florida Statutes, is amended to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(2) The state attorneys shall be provided by the counties within their judicial circuits with such office space, utilities, telephone service, custodial services, library services, transportation services, and communication services as may be necessary for the proper and efficient functioning of these offices, except as otherwise provided in the General Appropriations Act. The state attorney's office shall also be provided with pretrial consultation fees for expert or other potential witnesses consulted before trial by the state attorney; travel expenses incurred in criminal cases by a state attorney in connection with out-of-jurisdiction depositions; out-of-state travel expenses incurred by assistant state attorneys or by investigators of state attorneys while attempting to locate and interrogate witnesses for the state attorney in the prosecution of a criminal case; court reporter costs incurred by the state attorney during the course of an investigation and criminal prosecution which costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; post-indictment and post-information deposition costs incurred by the state attorney during the course of a criminal prosecution of an insolvent defendant when such costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; and the cost of copying depositions of state witnesses taken by the public defender, court-appointed counsel, or private retained counsel, when such costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought. The office space to be provided by the counties shall not be less than the standards for space allotment ~~adopted promulgated~~ by the Department of *Management General Services*, nor shall these services and office space be less than were provided in fiscal year 1984-1985.

Section 141. Subsection (3) of section 27.54, Florida Statutes, is amended to read:

27.54 Expenditures for public defender's office.—

(3) The public defenders shall be provided by the counties within their judicial circuits with such office space, utilities, telephone services, custodial services, library services, transportation services, and communication services as may be necessary for the proper and efficient functioning of these offices, except as otherwise provided in the General Appropriations Act. The public defender's offices shall also be provided with pretrial consultation fees for expert or other potential witnesses consulted before trial by the public defender; travel expenses incurred in criminal cases by a public defender in connection with out-of-jurisdiction depositions; out-of-state and out-of-jurisdiction travel expenses incurred by public defenders or by investigators of public defenders while attempting to locate and interrogate witnesses for the public defender in the defense of a criminal case; court reporter costs incurred by the public defender during the course of an investigation and criminal prosecution, which costs are certified by the public defender as being useful and necessary in the preparation of a criminal defense, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; post-indictment and post-information deposition costs incurred by the public defender during the course of a criminal prosecution of an indigent defendant when such costs are certified by the public defender as being useful and necessary in the preparation of a criminal defense, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; and the cost of copying depositions of defense witnesses taken by the state attorney when such costs are cer-



tified by the public defender as being useful and necessary in the preparation of a criminal defense, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought. The office space and utilities to be provided by the counties shall not be less than the standards for space allotment ~~adopted promulgated~~ by the Department of ~~Management General Services~~. The counties shall not provide less of these services than were provided in the previous fiscal year.

Section 142. Subsection (3) of section 75.05, Florida Statutes, is amended to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the Division of Bond Finance of the ~~State Board Department of Administration General Services~~. Notwithstanding any other provision of law, whether a general law or special act, validation of bonds to be issued by a special district, other than a community development district established pursuant to chapter 190, as provided in s. 190.016(12), is not mandatory, but is at the option of the issuer. However, the validation of bonds issued by such community development districts shall not be required on refunding issues.

Section 143. Subsections (2) and (3) of section 110.173, Florida Statutes, are amended to read:

110.173 Advisory council.—

(2) The Governor and each member of the Cabinet shall appoint a representative to serve on the advisory council. Additional members to be appointed by the Governor shall be:

- (a) One member from the Department of Community Affairs;
- (b) Two members who represent the remaining executive agencies; and
- (c) One member who shall be a representative of a state bargaining unit, and who shall represent the viewpoint of career service employees participating in the program.

The executive administrator of the Information Resource Commission and the director of the Division of Communications of the Department of ~~Management General Services~~ shall serve as ex officio members of the council.

(3) The Secretary of ~~Management Services Administration~~, or his designee, shall serve as the chairman for the council and shall provide for the necessary staff support to the council. The council shall meet at least quarterly, upon the call of the chairman.

Section 144. Paragraph (a) of subsection (5) of section 120.53, Florida Statutes, is amended to read:

120.53 Adoption of rules of procedure and public inspection.—

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.303-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(a) The agency shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows:

1. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail or by hand delivery.
2. For any decision of the Division of Purchasing of the Department of ~~Management General Services~~ concerning a request by an agency for approval of an exceptional purchase under part I of chapter 287 and the rules of the Division of Purchasing, notice of a decision or intended decision shall be given by posting such notice in the office of the Division of Purchasing.
3. For any other agency decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States mail or other express delivery service, return receipt requested.

The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under chapter 120, Florida Statutes."

Section 145. Section 159.345, Florida Statutes, is amended to read:

159.345 Local agency reporting requirement.—

(1) Any local agency which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the ~~State Board Department of Administration General Services~~ with a copy of the report required in s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to that section.

(2) The Division of Bond Finance of the ~~Department of General Services~~ shall:

- (a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.
- (b) Prepare and submit an annual report to the Governor and the Legislature by March 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 146. Section 159.475, Florida Statutes, is amended to read:

159.475 Authority reporting requirement.—

(1) Any authority which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the ~~State Board Department of Administration General Services~~ with a copy of the report required pursuant to s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to that section.

(2) The Division of Bond Finance of the ~~Department of General Services~~ shall:

- (a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.
- (b) Prepare and submit an annual report to the Governor and the Legislature by March 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 147. Section 159.7055, Florida Statutes, is amended to read:

159.7055 Authority reporting requirement.—

(1) Any authority which issues any revenue bonds pursuant to this part shall supply the Division of Bond Finance of the ~~State Board Department of Administration General Services~~ with a copy of the report required pursuant to s. 103 of the Internal Revenue Code of 1954, as amended, at the times required pursuant to that section.

(2) The Division of Bond Finance of the ~~Department of General Services~~ shall:

- (a) Upon receipt, provide a copy of the information supplied pursuant to subsection (1) to the Division of Economic Development of the Department of Commerce.
- (b) Prepare and submit an annual report to the Governor and the Legislature by March 15, detailing the information provided pursuant to subsection (1) on each bond issued in the preceding year.

Section 148. Section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, *the term*:

- (1) "County" means the geographic boundaries of each county as established by law.
- (2) "Private activity bond" or "bond" means any bond which requires an allocation pursuant to s. 146 of the Code.
- (3) "Director" means the director of the Division of Bond Finance of the ~~State Board Department of Administration General Services~~ or his designee.
- (4) "Agency" means the State of Florida, any unit of local government, industrial development authority, or other entity in this state authorized to issue private activity bonds.
- (5) "Priority project" means a solid waste disposal facility or a sewage facility, as such terms are defined in s. 142 of the Code, or any project which is to be located in an area which is an enterprise zone approved pursuant to s. 290.0065.

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

(7) "Issued" or "issuance" has the same meaning as in the Code.

(8) "Code" means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(9) "Housing bonds" means bonds issued pursuant to s. 142(d) of the Code to finance qualified residential units or mortgage revenue bonds issued pursuant to s. 143 of the Code which require an allocation under s. 146 of the Code.

Section 149. Paragraph (e) of subsection (2) of section 212.055, Florida Statutes, as amended by section 1 of chapter 91-423, Laws of Florida, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the *State Board Department of Administration General Services* pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

Section 150. Subsection (1) of section 215.196, Florida Statutes, is amended to read:

215.196 Architects Incidental Trust Fund; creation; assessment.—

(1) There is created the Architects Incidental Trust Fund for the purpose of providing sufficient funds for the operation of the Division of Building Construction and Facilities Management.

Section 151. Subsection (6) of section 215.422, Florida Statutes, is amended to read:

215.422 Warrants, vouchers, and invoices; processing time limits; dispute resolution; agency compliance.—

(6) The Department of Banking and Finance shall monitor each agency's compliance with the time limits and interest penalty provisions of this section. The department shall provide a quarterly report to each agency head disclosing the agency's compliance rate. The report shall also include a list of late vouchers or payments, the amount of interest owed or paid, and any corrective actions recommended. The department shall perform monitoring responsibilities, pursuant to this section, *using utilizing the Management General Services and Purchasing Subsystem* or the State Automated Management Accounting Subsystem provided in s. 215.94. Each agency shall be responsible for the accuracy of information entered into the *Management General Services and Purchasing Subsystem* and the State Automated Management Accounting Subsystem for use in this monitoring.

Section 152. Paragraph (g) of subsection (1) of section 215.47, Florida Statutes, is amended to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(1) Without limitation in:

(g) Bonds issued by the Florida State Improvement Commission, Florida Development Commission, or Division of Bond Finance of the Department of General Services, or Division of Bond Finance of the *State Board of Administration*.

Section 153. Subsection (5) of section 215.58, Florida Statutes, is repealed.

Section 154. Subsection (1) of section 215.62, Florida Statutes, is amended to read:

215.62 Division of Bond Finance.—

(1) There is hereby created a division of the *State Board Department of Administration General Services* of the state to be known as the Division of Bond Finance. The Governor shall be the chairman of the governing board of the division, the Comptroller shall be the secretary of the said board, and the Treasurer shall be the treasurer of the said board for the purposes of this act. The division shall be a public body corporate for the purposes of this act.

Section 155. Paragraph (e) of subsection (1) of section 215.93, Florida Statutes, is amended to read:

215.93 Florida Fiscal Accounting Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Fiscal Accounting Management Information System. The principal unit of the system shall be the subsystem, and the system shall originally include the following:

(e) *Management General Services and Purchasing Subsystem*.

Section 156. Subsection (5) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(5) The Department of *Management General Services* shall be the functional owner of the *Management General Services and Purchasing Subsystem*. The department shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:

(a) Commodity procurement, inventory control, and warehousing.

(b) Facilities management and utilization.

(c) Construction bidding and monitoring.

(d) Controlling and operating centralized equipment pools.

Section 157. Section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned *facilities* or state-occupied facilities.—

(1) The Department of *Management General Services* shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state, except those with less than 3,000 square feet. The inventory shall include the location, occupying agency, ownership, size, condition assessment, maintenance record, age, parking and employee facilities, and other information as required by the department for determining maintenance needs and life-cycle cost evaluations of the facility. The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency. The term "facility," as used in this section, means buildings, structures, and building systems, but does not include transportation facilities of the state transportation system. The Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. The Board of Regents and the Division of Community Colleges of the Department of Education shall develop and maintain an inventory, in the manner prescribed by the Department of *Management General Services*, of all higher education facilities and shall make the data available in a format acceptable to the Department of General Services.

(2) The Department of *Management General Services* shall update its inventory and cause to be updated the other inventories required by subsection (1) at least once every 5 years, but the inventories shall record acquisitions of new facilities and significant changes in existing facilities as they occur. The Department of *Management General Services* shall provide each agency with the most recent inventory applicable to that agency. Each agency shall, in the manner prescribed by the Department of *Management General Services*, report significant changes in the inventory as they occur. Items relating to the condition and life-cycle cost of a facility shall be updated at least every 5 years.

(3) The Department of *Management General Services* shall, every 3 years, publish a complete report detailing this inventory and shall publish an annual update of the report. The department shall furnish the updated report to the Executive Office of the Governor and the Legislature no later than September 1 of each year.

Section 158. Section 216.016, Florida Statutes, is amended to read:

216.016 Evaluation of plans; determination of financing method.—

(1) Pursuant to the requirements of s. 216.044, the Department of *Management General Services* shall evaluate the agency plans.

(2)(a) The Executive Office of the Governor shall develop a finance plan for meeting the state's infrastructure and fixed capital outlay needs.

(b) The Division of Bond Finance of the *State Board Department of Administration General Services* shall work with the Executive Office of the Governor and all agencies to determine the most cost-beneficial and effective financing methods for the satisfaction of the capital facility needs described or identified in the state comprehensive plan for facility needs.

Section 159. Section 216.044, Florida Statutes, is amended to read:

216.044 Budget evaluation by Department of *Management General Services*.—

(1) Concurrently with the submission of the fixed capital outlay legislative budget request to the Executive Office of the Governor, the agency shall submit a copy of the legislative budget request to the Department of *Management General Services* for evaluation.

(2) The Department of *Management General Services* shall advise the Executive Office of the Governor and the Legislature regarding alternatives to the proposed fixed capital outlay project and make recommendations relating to the construction requirements and cost of the project. These recommendations shall be provided to the Legislature and Executive Office of the Governor at a time specified by the Governor, but not less than 90 days prior to the regular session of the Legislature. When evaluating alternatives, the Department of *Management General Services* shall include information as to whether it would be more cost-efficient to lease private property or facilities, to construct facilities on property presently owned by the state, or to acquire property on which to construct the facilities. In determining the cost to the state of constructing facilities on property presently owned by the state or the cost of acquiring property on which to construct facilities, the Department of *Management General Services* shall include the costs which would be incurred by a private person in acquiring the property and constructing the facilities, including, but not limited to, taxes and return on investment.

(3) The Department of *Management General Services* shall provide assistance to any state agency and the Executive Office of the Governor in fulfilling the requirements of s. 216.0442 as developed pursuant to ss. 216.031 and 216.043.

Section 160. Subsection (2) of section 216.0445, Florida Statutes, is amended to read:

216.0445 Budget evaluation by the Information Resource Commission.—

(2) The executive administrator shall seek the advice of and consult with the Division of Communications of the Department of *Management General Services*, as needed, in reviewing the communications portion of the schedule.

Section 161. Paragraph (c) of subsection (2) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(c) The evaluation of the fixed capital outlay request of each agency and alternatives to the proposed projects as made by the Department of *Management General Services* pursuant to s. 216.044.

Section 162. Subsection (7) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(7) Moneys appropriated in the General Appropriations Act for the purpose of paying for services provided by the state communications system in the Division of Communications of the Department of *Management General Services* shall be paid by the user agencies within 45 days after the billing date. Upon approval of the Executive Office of the Governor, billed amounts not paid by the user agencies shall be transferred by the Comptroller from the user agencies to the Communications Working Capital Trust Fund.

Section 163. Section 217.01, Florida Statutes, is amended to read:

217.01 Purpose.—The purpose of this chapter is to provide authority to ~~in Florida through~~ a designated state agency for the procurement and distribution of ~~surplus federal surplus personal property for public agencies; for eligible nonprofit, tax-exempt educational and; health organizations; and for eligible nonprofit, tax-exempt organizations that assist the homeless and emergency management purposes as provided under chapter 252 and under federal law.~~

Section 164. Section 217.02, Florida Statutes, is amended to read:

217.02 Definitions.—As used in this act, the term:

(1) "Department" means the Department of *Management General Services*.

(2) "Surplus property" means any federal property which has been declared excess by a federal agency, including the Department of Defense, and made available for procurement and distribution in the state in compliance with the Federal Property and Administrative Services Act of 1949, and subsequent amendments thereto.

Section 165. Section 217.04, Florida Statutes, is amended to read:

217.04 Department of *Management General Services* as state agency to negotiate with federal agency.—The Department of *Management General Services* is designated the official agency of the state to negotiate with any federal agency in accordance and compliance with the Federal Property and Administrative Services Act of 1949 and subsequent amendments thereto, and any other federal law or regulation providing for the procurement and distribution of federal surplus personal property.

Section 166. Section 217.045, Florida Statutes, is amended to read:

217.045 ~~Bureau Division~~ of Surplus Property; assistance to state agencies.—The ~~Bureau of~~ Surplus Property of the Division of Purchasing of the Department of *Management General Services* may follow whatever procedure is ~~considered deemed~~ necessary to enable state agencies to take advantage of the ~~sale of any~~ surplus property allocated to the state ~~material sold~~ by the Federal Government or by its disposal agencies.

Section 167. Section 217.11, Florida Statutes, is amended to read:

217.11 Division of *Building Construction and Facilities Management*; authority to construct and maintain warehouses and other facilities.—The Division of *Building Construction and Facilities Management* of the department is authorized to construct and maintain such warehouses and other facilities necessary for carrying out the purposes of this chapter.

Section 168. Subsections (1), (2), and (4) of section 218.37, Florida Statutes, are amended to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the *State Board Department of Administration General Services*, with respect to both general obligation bonds and revenue bonds, shall:

(a) Provide information, upon request of a unit of local government, on the preliminary planning of a new bond issue.

(b) Collect, maintain, and make available information on outstanding bonds of units of local government and of the state.

(c) Serve as a clearinghouse for information on bond issues of units of local government and of the state.

(d) Undertake or commission studies on methods to reduce the costs of local and state bond issues.

(e) Recommend changes in law and in local practices to improve the sale and servicing of local bonds.

(f) Issue a regular newsletter to issuers, underwriters, attorneys, investors, and other parties within the bond community and the general public containing information of interest relating to local and state bonds. The division may charge fees for subscriptions to the newsletter.

(g) Issue an annual report to the Legislature describing the operations of the division relating to this section and s. 218.38.

(h) Provide the Department of Banking and Finance with current available information on all outstanding bond issues and proposed new bond issues of units of local government and of the state.

(i) By January 1 each year, provide the Special District Information Program of the Department of Community Affairs with a list of special districts not in compliance with the requirements in s. 218.38.

(j) Use the copy of the complaint for the bond validation, served pursuant to s. 75.05(3), to verify the compliance of that special district with the requirements in s. 218.38.

(2) The Division of Bond Finance of the *State Board Department of Administration General Services* may adopt rules to implement the provisions of this section and ss. 218.38 and 218.385.

(4) The Division of Bond Finance of the *State Board Department of Administration General Services* shall conduct a study of professional fees paid to fiscal advisors, bond counsel, and others and shall adopt a recommended fee schedule which is commensurate with fees typically paid in states similar to Florida in size and character. Such schedule shall be adopted by the division as the recommended fee schedule for all state and state agency financings.

Section 169. Paragraph (a) of subsection (1) of section 218.38, Florida Statutes, is amended to read:

218.38 Notice of bond issues required; verification.—

(1)(a) Each unit of local government shall furnish the Division of Bond Finance of the *State Board Department of Administration General Services* a complete description of all of its outstanding general obligation bonds and revenue bonds, shall also provide the division with advance notice of the impending sale of any new issue of bonds, and shall also provide the division with a copy of the final official statement, if any is published, all as required by rules of the division.

Section 170. Subsection (3) of section 229.8052, Florida Statutes, is amended to read:

229.8052 State satellite network.—

(3) The Department of Education, in consultation with the Department of *Management General Services*, shall implement the provisions of this section and coordinate the network. Specifically, the department shall:

(a) Provide for technical analysis of suitable existing satellite receiving equipment at Florida public postsecondary institutions for inclusion in the network.

(b) Acquire by competitive sealed bid and place appropriate receiving equipment in those community college regions of the state in which such equipment is presently not available at a public postsecondary institution.

(c) Develop an implementation plan which provides for designation of a site in each community college region for inclusion in the initial network. Criteria for selection shall include:

1. Accessibility to a substantial portion of the population of the region.

2. Demonstrated institutional commitment to support and encourage use of the network both within the region and statewide.

3. Willingness to complement state support with matching institutional resources.

4. Evidence of cooperation and coordinated planning with other postsecondary institutions in the region.

5. Availability of existing telecommunications equipment which is compatible or adaptable for use in the network.

(d) Identify additional sites for inclusion in the network in the event that demand exceeds the capacity of the initial network.

(e) Coordinate scheduling and encourage use of the network.

(f) Develop operating procedures for the system and recommend fee schedules for both public and private entities wishing to transmit or receive programming through the network. Scheduling procedures shall assign the highest priority to educational programming.

(g) Provide training for institutional, state agency, and other personnel in effective techniques for the use of the network.

(h) Provide initial startup support for operations, maintenance, and publicity costs of the network. Continuation costs in these areas shall be recovered through user fees and local resources.

Section 171. Subsection (2) of section 235.018, Florida Statutes, is amended to read:

235.018 Delegation of review and approval authority.—

(2) The office may delegate its review, approval, and inspection process as required in s. 235.26(5) to the Department of *Management General Services*.

Section 172. Paragraphs (f) and (g) of subsection (2) of section 235.26, Florida Statutes, are amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The State Board of Education shall adopt a uniform statewide building code for planning and construction of public educational and ancillary plants, except for Board of Regents facilities. The code shall be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code shall be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R., Parts 59 and 60, established by the Federal Emergency Management Agency, effective October 1, 1986. Wherever the words "Uniform Building Code" appear, they shall mean the "State Uniform Building Code for Public Educational Facilities Construction." It shall not be the intent of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor shall it specify or prohibit materials by brand names. The code shall be flexible enough to cover all phases of construction which will afford reasonable protection for public safety, health, and general welfare. The office may secure the service of other state agencies or such other assistance as it may find desirable in the revision of the code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A board shall not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. It shall also be the responsibility of the office to develop, as a part of the Uniform Building Code, standards relating to:

(f) An energy performance index which shall be a number describing the energy requirements at the building boundary of a facility, per square foot of floor space, under defined internal and external ambient conditions over an annual cycle. As experience develops on the energy performance achieved by the facility, the energy performance index will serve as a measure of building performance with respect to energy consumption and as a guide for the revision of the energy performance index used in the design of future facilities. The energy performance index will consider the energy efficiency of the facility so as to minimize the consumption of energy used in the operation and maintenance of the facility. The office may adopt standards for the energy performance index or portions thereof already established by the Department of *Management General Services* under ss. 255.251-255.256.

(g) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis shall be the sum of:

a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the office shall develop standards that shall include, but not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards shall be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of *Management General Services* and the office. Provisions shall be made for an annual updating of standards as required.

Section 173. Section 240.225, Florida Statutes, is amended to read:

240.225 Applicability of certain sections.—The Department of *Management General Services* shall, by rule, provide for delegation to the State University System of the functions and duties in ss. 273.04, 273.05, and 273.055 and chapter 287 as they pertain to the State University System. The Governor and Cabinet, sitting as the State Board of Education, shall approve or disapprove the award of information technology resources procurements under s. 287.073 for the State University System which are reviewed by the Board of Regents pursuant to this section. No additional positions shall be authorized for the State University System to implement the provisions of this section.

Section 174. Section 240.417, Florida Statutes, is amended to read:

240.417 Increased registration or tuition fees for funding financial aid program.—Student registration or tuition fees at each state university and public community college shall include up to \$4.68 per quarter, or \$7.02 per semester, per full-time student, or the per-student credit hour equivalents of such amounts. These funds shall be paid into the Student Financial Aid Trust Fund, to be maintained in a separate account therein and administered by the Department of Education under the provisions of this act. The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. 240.441. If the Division of Bond Finance of the *State Board Department of Administration General Services* and the Commissioner of Education determine that such fees are no longer required as security for revenue bonds issued pursuant to ss. 240.439-240.463, moneys previously collected pursuant to this section which are held in escrow, after administrative expenses have been met and up to \$150,000 has been used to establish a financial aid data processing system for the State University System incorporating the necessary features to meet the needs of all nine universities for application through disbursement processing, shall be reallocated to the generating institutions to be used for student financial aid programs, including, but not limited to, scholarships and grants for educational purposes. Upon such determination, such fees shall no longer be assessed and collected.

Section 175. Subsection (2) of section 240.441, Florida Statutes, is amended to read:

240.441 Issuance of revenue bonds pursuant to s. 15, Art. VII, State Constitution.—

(2) The amount of such revenue bonds to be issued shall be determined by the Division of Bond Finance of the *State Board Department of Administration General Services*. However, the total principal amount outstanding shall not exceed \$80 million, other than refunding bonds issued pursuant to s. 215.79.

Section 176. Subsection (1) of section 253.45, Florida Statutes, is amended to read:

253.45 Sale or lease of phosphate, clay, minerals, etc., in or under state lands.—

(1) The Board of Trustees of the Internal Improvement Trust Fund may sell or lease any phosphate, earth or clay, sand, gravel, shell, mineral, metal, timber or water, or any other substance similar to the foregoing, in, on, or under, any land the title to which is vested in the state, the Department of *Management General Services*, the Department of Natural Resources, the Game and Fresh Water Fish Commission, the State Board of Education, or any other state board, department, or agency; provided that the board of trustees may not grant such a sale or lease on the land of any other state board, department, or agency without first obtaining approval therefrom. No sale or lease provided for in this section shall be allowed on hard-surfaced beaches that are used for bathing or driving and areas contiguous thereto out to a mean low-water depth of 3 feet and landward to the nearest paved public road. Any sale or lease provided for in this section shall be conducted by competitive bidding as provided for in ss. 253.52, 253.53, and 253.54. The proceeds of such sales or leases are to be credited to the board of trustees, board, department, or agency which has title or control of the land involved.

Section 177. Section 255.02, Florida Statutes, is amended to read:

255.02 Boards authorized to replace buildings destroyed by fire.—The Department of *Management General Services*, the Board of Regents of the Department of Education, or any other board or person having the direct supervision and control of any state building or state property, may have rebuilt or replaced, out of the proceeds from the fire insurance on such buildings or property, any buildings or property owned by the state, which may be destroyed in whole or in part by fire.

Section 178. Subsection (2) of section 255.043, Florida Statutes, is amended to read:

255.043 Art in state buildings.—

(2) The Department of *Management General Services*, the Board of Regents, or other state agencies receiving appropriations for original constructions shall notify the Florida Arts Council and the user agency of any construction project which is eligible under the provisions of this section. The Department of *Management General Services*, the Board of Regents, or other state agency shall determine the amount to be made available for purchase or commission of works of art for each project and shall report these amounts to the Florida Arts Council and the user agency. Payments therefor shall be made from funds appropriated for fixed capital outlay according to law.

Section 179. Subsection (1) of section 255.05, Florida Statutes, is amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state the name and principal business address of both the principal and the surety and must contain a description of the project sufficient to identify it. Such bond shall be conditioned that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all persons defined in s. 713.01 whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for \$100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for

\$200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the director of the Department of *Management General Services* may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than \$100,000 but less than \$200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption. The Department of *Management General Services* shall compile an annual report that lists the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and states whether any request for delegation was denied and the justification for the denial. The report shall be submitted no later than February 1 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the Senate and the House of Representatives, and the Small and Minority Business Advisory Council.

(b) The Department of *Management General Services* shall adopt rules with respect to all contracts for \$200,000 or less, to provide:

1. Procedures for retaining up to 10 percent of each request for payment submitted by a contractor and procedures for determining disbursements from the amount retained on a pro rata basis to laborers, materialmen, and subcontractors, as defined in s. 713.01.

2. Procedures for requiring certification from laborers, materialmen, and subcontractors, as defined in s. 713.01, prior to final payment to the contractor that such laborers, materialmen, and subcontractors have no claims against the contractor resulting from the completion of the work provided for in the contract.

The state shall not be held liable to any laborer, materialman, or subcontractor for any amounts greater than the pro rata share as determined under this section.

Section 180. Subsection (2) of section 255.21, Florida Statutes, is amended to read:

255.21 Special facilities for physically disabled.—

(2) The Department of *Management General Services* shall establish, by rule, a standing code panel to consider modification or waivers to handicapped standards and other codes and standards for state building designs.

Section 181. Subsections (1), (2), (4), and (6) of section 255.245, Florida Statutes, are amended to read:

255.245 State-owned office buildings; rental fees.—

(1) The Department of *Management General Services* shall, by rule or regulation, adopt a fee schedule for the rental of space occupied by state agencies and other authorized occupants in office buildings owned by the state, taking into consideration debt service obligations, if any, costs of operation, security, maintenance, repair, renovation, rental fees for comparable space in privately owned buildings, contractual or property rights encumbering such buildings, if any, and other factors deemed to be material for such purpose. The adoption of the fee schedule, and of modifications thereto from time to time as needed, by the Department of *Management General Services* shall be subject to prior approval by the Administration Commission.

(2) The Department of *Management General Services* shall, in adopting a fee schedule for the rental of space in state-owned office buildings, adopt rental fees to assure that the space will be self-supporting from the income derived from the rental fees and that such income will be sufficient for the payment of debt service obligations, if any, and the costs of operation, security, maintenance, repair, and renovation.

(4) A copy of the fee schedule adopted by the Department of *Management General Services* shall be furnished to each state agency, the President of the Senate, and the Speaker of the House of Representatives prior to September 1, 1975, for use in the preparation of the legislative budget and Appropriations Act for fiscal year 1976-1977 and each fiscal year thereafter. In its legislative budget for fiscal year 1976-1977 and each fiscal year thereafter, each state agency shall show the state-owned office buildings in which it occupies space and the number of square feet it occupies in each and shall include in its legislative budget the rental fee for such space calculated according to the fee schedule.

(6) Income derived from rental fees pursuant to subsection (5) shall be collected by the Division of *Building Construction and Facilities Management* of the Department of *Management General Services* and deposited in a trust fund for the payment of debt service obligations, costs of operation, security, maintenance, repair, renovation, or further construction of such office buildings, pursuant to appropriations by the Legislature for such purposes.

Section 182. Section 255.249, Florida Statutes, is amended to read:

255.249 Division of *Building Construction and Facilities Management*; responsibility; department rules.—

(1) The Division of *Building Construction and Facilities Management* shall have responsibility and authority for the custodial and preventive maintenance, repair, and allocation of space of all state-owned office buildings and the grounds located adjacent thereto.

(2) The department shall promulgate rules pursuant to chapter 120 providing:

(a) Methods for accomplishing the duties outlined in subsection (1).

(b) Procedures for soliciting and accepting competitive proposals for leased space of 3,000 square feet or more in privately owned buildings, for evaluating the proposals received, for exemption from competitive bidding requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs as provided in s. 255.25(10), and for the securing of at least three documented quotes for a lease that is not required to be competitively bid.

(c) A standard method for determining square footage or any other measurement used as the basis for lease payments or other charges.

(d) Methods of allocating space in both state-owned office buildings and privately owned buildings leased by the state based on use, personnel, and office equipment.

(e) Acceptable terms and conditions for inclusion in lease agreements.

(f) Maximum rental rates, by geographic areas or by county, for leasing privately owned space.

(g) A standard method for the assessment of rent to state agencies and other authorized occupants of state-owned office space, notwithstanding the source of funds.

(h) For full disclosure of the names and the extent of interest of the owners holding a 4-percent or more interest in any privately owned property leased to the state or in the entity holding title to the property, for exemption from such disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to chapter 517, which stock is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(i) For full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state or in the entity holding title to the property, and the nature and extent of their interest, for exemption from such disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to chapter 517, which stock is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(j) A method for reporting leases for nominal or no consideration.

(k) For a lease of less than 3,000 square feet, a method for certification by the agency head or his designated representative that all criteria for leasing have been fully complied with and for the filing of a copy of such lease and all supporting documents with the department for its review and approval as to technical sufficiency.

(3) The Division of *Building Construction and Facilities Management* shall prepare a form listing all conditions and requirements adopted pursuant to this chapter which must be met by any state agency leasing any building or part thereof. This form shall be certified by the agency head or his designated representative.

Section 183. Section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—



(1)(a) No state agency may construct a building for state use or lease space in a private building that is to be constructed for state use unless prior approval of the architectural design and preliminary construction plans is first obtained from the Division of Building Construction and Facilities Management.

(b) When specifically authorized by the Appropriations Act and in accordance with s. 255.2501, if applicable, the Division of *Building Construction and Facilities Management* may approve a lease-purchase, sale-leaseback, or tax-exempt leveraged lease contract or other financing technique for the acquisition, renovation, or construction of a state fixed capital outlay project when it is in the best interest of the state.

(2)(a) Except as provided in s. 255.2501, no state agency may lease a building or any part thereof unless prior approval of the lease conditions and of the need therefor is first obtained from the Division of *Building Construction and Facilities Management*. Any approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the division subject to final approval by the head of the Department of *Management General Services* and s. 255.2502.

(b) The approval of the Division of *Building Construction and Facilities Management*, except for technical sufficiency, need not be obtained for the lease of less than 3,000 square feet of space within a privately owned building, provided the agency head or his designated representative has certified compliance with applicable leasing criteria as may be provided pursuant to s. 255.249(2)(k) and has determined such lease to be in the best interest of the state. Such a lease which is for a term extending beyond the end of a fiscal year is subject to the provisions of ss. 216.311, 255.2502, and 255.2503.

(c) Each state agency shall develop procedures and adopt rules to ensure that the leasing practices of that agency are in substantial compliance with the rules adopted pursuant to this section and ss. 255.2502, 255.2503, and 255.249.

(3)(a) Except as provided in subsection (10), no state agency shall enter into a lease as lessee for the use of 3,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder. The Division of *Building Construction and Facilities Management* shall have the authority to approve a lease for 3,000 square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the division, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

(b) The Division of *Building Construction and Facilities Management* may approve extensions of an existing lease of 3,000 square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs space, it shall be procured by competitive bid in accordance with s. 255.249(2)(b).

(c) Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.53(5)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or \$5,000, whichever is less, which bond shall be conditioned upon the payment of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him. If the person protesting the award prevails, the bond shall be returned to him and he shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(4)(a) The Division of *Building Construction and Facilities Management* shall not authorize any state agency to enter into a lease agreement for space in a privately owned building when suitable space is available in a state-owned building located in the same geographic region, except upon presentation to the division of sufficient written justification, acceptable to the division, that a separate space is required in order to

fulfill the statutory duties of the agency making such request. The term "state-owned building" as used in this subsection means any state-owned facility regardless of use or control.

(b) State agencies shall cooperate with local governmental units by using suitable, existing publicly owned facilities, subject to the provisions of ss. 255.2501, 255.2502, and 255.2503. Agencies may utilize unexpended funds appropriated for lease payments to:

1. Pay their proportion of operating costs.
2. Renovate applicable spaces.

(c) There is created a Public Facilities Conversion Revolving Trust Fund in the State Treasury to be administered by the Department of *Management General Services*. Legislative appropriations made for the purpose of renovating publicly owned facilities shall be transferred to this fund and are appropriated for such uses authorized by law. Amounts from this fund may be transferred to state agencies as authorized by the Executive Office of the Governor. With the approval of the Executive Office of the Governor, agencies may utilize allocations from the Public Facilities Conversion Revolving Trust Fund to renovate spaces which they will occupy, provided:

1. The project is shown to be cost-effective.

2. The applicable agency makes annual payments in the amount of the savings to the Public Facilities Conversion Revolving Trust Fund until the cost of renovation is recovered.

(5) Before construction or renovation of any state-owned building or state-leased space is commenced, the Division of Building Construction ~~and or the Division of Facilities Management~~, as appropriate, shall ascertain, by submission of proposed plans to the Division of State Fire Marshal for review, that the proposed construction or renovation plan complies with the uniform firesafety standards required by the Division of State Fire Marshal. The review of construction or renovation plans for state-leased space shall be completed within 10 calendar days of receipt of the plans by the Division of State Fire Marshal. The review of construction or renovation plans for a state-owned building shall be completed within 30 calendar days of receipt of the plans by the Division of State Fire Marshal. The responsibility for submission and retrieval of the plans called for in this subsection shall not be imposed on the design architect or engineer, but shall be the responsibility of the two agencies. Whenever the Division of State Fire Marshal determines that a construction or renovation plan is not in compliance with such uniform firesafety standards, the Division of State Fire Marshal may issue an order to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve such compliance. The Division of *Building Construction and Facilities Management* shall withhold approval of any proposed lease until the construction or renovation plan complies with the uniform firesafety standards of the Division of State Fire Marshal. The cost of all modifications or renovations made for the purpose of bringing leased property into compliance with the uniform firesafety standards shall be borne by the lessor.

(6) Before construction or substantial improvement of any state-owned building is commenced, the Division of Building Construction and *Facilities Management* must ascertain that the proposed construction or substantial improvement complies with the flood plain management criteria for mitigation of flood hazards, as prescribed in the October 1, 1986, rules and regulations of the Federal Emergency Management Agency, and the division shall monitor the project to assure compliance with the criteria. In accordance with chapter 120, the Division of Building Construction and *Facilities Management* shall adopt any necessary rules to ensure that all such proposed state construction and substantial improvement of state buildings in designated flood-prone areas complies with the flood plain management criteria. Whenever the division determines that a construction or substantial improvement project is not in compliance with the established flood plain management criteria, the division may issue an order to cease all construction or improvement activities until compliance is obtained, except those activities required to achieve such compliance.

(7) This section does not apply to any lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property. This section does not apply to any lease for nominal or no consideration.

(8) No agency shall enter into more than one lease for space in the same privately owned facility or complex within any 12-month period except upon the solicitation of competitive bids.

(9) Specialized educational facilities, excluding classrooms, shall be exempt from the competitive bid requirements for leasing pursuant to this section if the executive head of any state agency certifies in writing that said facility is available from a single source and that the competitive bid requirements would be detrimental to the state. Such certification shall include documentation of evidence of steps taken to determine sole-source status.

(10) The Division of *Building Construction and Facilities Management* may approve emergency acquisition of space without competitive bids if existing state-owned or state-leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by legal action, if the chief administrator of the state agency or his designated representative certifies in writing that no other agency-controlled space is available to meet this emergency need, but in no case shall the lease for such space exceed 11 months. If the lessor elects not to replace or renovate the destroyed or uninhabitable facility, the agency shall procure the needed space by competitive bid in accordance with s. 255.249(2)(b). If the lessor elects to replace or renovate the destroyed or uninhabitable facility and the construction or renovations will not be complete at the end of the 11-month lease, the agency may modify the lease to extend it on a month-to-month basis for an additional 6 months to allow completion of such construction or renovations.

(11) In any leasing of space that is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, in the evaluation, and in the award processes shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

Section 184. Subsection (1) of section 255.253, Florida Statutes, is amended to read:

255.253 Definitions; ss. 255.251-255.258.—

(1) "Division" means the Division of *Building Construction and Facilities Management* of the Department of *Management General Services*.

Section 185. Section 255.257, Florida Statutes, is amended to read:

255.257 Energy management plan; buildings occupied by state agencies.—

(1) **DIVISION RESPONSIBILITY.**—The Division of *Building Construction and Facilities Management* shall constitute the responsible state agency for developing and implementing an energy management plan for state agencies occupying state-owned or state-leased buildings. The Department of Community Affairs shall assist in the development of this plan.

(2) **ENERGY CONSUMPTION AND COST DATA.**—Each state agency shall submit, in the form and manner to be prescribed by the Division of *Building Construction and Facilities Management*, data on energy consumption and cost. These data will be used in the computation of the effectiveness of the state energy management plan and the effectiveness of the energy management program of each of the reporting agencies. The division shall advise the various agencies on the effectiveness of their energy management programs.

(3) **ENERGY MANAGEMENT COORDINATORS.**—Each state agency, the Florida Public Service Commission, the Department of Military Affairs, and the judicial branch shall appoint a coordinator whose responsibility shall be to advise the head of the agency on matters relating to energy consumption in facilities under the control of that head or in space occupied by the various units comprising that agency, in vehicles operated by that agency, and in other energy-consuming activities of the agency. The coordinator shall cooperate with the Division of *Building Construction and Facilities Management* in the implementation of the state energy management plan. The coordinator shall implement the energy management program jointly agreed upon by the agency concerned and the division.

(4) **CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.**—The Division of *Building Construction and Facilities Management* shall develop a state energy management plan consisting of, but not limited to, the following elements:

(a) Data-gathering requirements;

(b) Building energy audit procedures;

(c) Uniform data analysis procedures;

(d) Employee energy education program measures;

(e) Energy consumption reduction techniques;

(f) Training program for agency energy management coordinators; and

(g) Guidelines for building managers.

The plan shall include a description of actions to reduce consumption of electricity and nonrenewable energy sources used for space heating and cooling, ventilation, lighting, water heating, and transportation.

(5) **INFORMATION TRANSFER.**—The state energy management plan, with results, shall be made available to aid in improving local government energy management programs.

Section 186. Subsection (4) of section 255.258, Florida Statutes, is amended to read:

255.258 Shared savings financing of energy conservation in state-owned buildings.—

(4) Agencies desiring to implement shared savings demonstration programs prior to adoption of formal rules shall do so in cooperation with the Department of Community Affairs and the Department of *Management General Services*.

Section 187. Subsections (2) and (3) of section 255.259, Florida Statutes, are amended to read:

255.259 Xeriscape landscaping on public property.—

(2) As used in this section, "publicly owned buildings or facilities" means those construction projects under the purview of the Department of *Management General Services*. It does not include environmentally endangered land or roads and highway construction under the purview of the Department of Transportation.

(3) The Department of *Management General Services*, in consultation with the Department of Environmental Regulation and the Department of Natural Resources, shall, by June 30, 1992, adopt rules and guidelines for the required use of Xeriscape on public property associated with publicly owned buildings or facilities constructed after June 30, 1992. The Department of *Management General Services* also shall develop a 5-year program for phasing in the use of Xeriscape on public property associated with publicly owned buildings or facilities constructed before July 1, 1992. In accomplishing these tasks, the Department of *Management General Services* shall take into account the guidelines set out in s. 373.185(2)(a)-(f). The Department of Transportation shall implement Xeriscape landscaping pursuant to s. 335.167.

Section 188. Paragraphs (c) and (d) of subsection (1) of section 255.28, Florida Statutes, are amended to read:

255.28 Department authority to acquire land with or for facility thereon.—

(1) For the purposes of this section:

(c) "Building" or "facility" means those construction projects under the purview of the Department of *Management General Services*. It shall not include environmentally endangered land, recreational land, or roads and highway construction under the purview of the Department of Transportation.

(d) "Department" means the Department of *Management General Services*.

Section 189. Section 255.29, Florida Statutes, is amended to read:

255.29 Construction contracts; department rules.—The Department of *Management General Services* shall establish, through the *adoption promulgation* of administrative rules as provided in chapter 120:

(1) Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts, including procedures for the rejection of bidders who are reasonably determined from prior experience to be unqualified or irresponsible to perform the work required by a proposed contract.

(2) Procedures for awarding each state agency construction project to the lowest qualified bidder as well as procedures to be followed in cases in which the Department of *Management General Services* declares a valid emergency to exist which would necessitate the waiver of the rules governing the awarding of state construction contracts to the lowest qualified bidder.

(3) Procedures to govern negotiations for construction contracts and modifications to contract documents when such negotiations are determined by the executive director of the Department of *Management General Services* to be in the best interest of the state.

(4) Procedures for entering into performance-based contracts for the development of public facilities when the Department of *Management General Services* determines the use of such contracts to be in the best interest of the state. The procedures shall include, but are not limited to:

- (a) Prequalification of bidders;
- (b) Criteria to be used in developing requests for proposals which may provide for singular responsibility for design and construction, developer flexibility in material selection, construction techniques, and application of state-of-the-art improvements;
- (c) Accelerated scheduling, including the development of plans, designs, and construction simultaneously; and
- (d) Evaluation of proposals and award of contracts considering such factors as price, quality, and concept of the proposal.

Section 190. Subsection (1) of section 255.30, Florida Statutes, is amended to read:

255.30 Fixed capital outlay projects; department rules; delegation of supervisory authority; delegation of responsibility for accounting records.—

(1) The Department of *Management General Services* shall make and adopt promulgate rules pursuant to chapter 120 in order to establish a procedure for delegating to state agencies its supervisory authority as it relates to the repair, alteration, and construction of fixed capital outlay projects.

Section 191. Section 255.45, Florida Statutes, is amended to read:

255.45 Correction of firesafety violations in certain state-owned property.—The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* is responsible for ensuring that firesafety violations that are noted by the State Fire Marshal pursuant to s. 633.085 are corrected as soon as practicable for all state-owned property which is leased from the Department of *Management General Services*.

Section 192. Section 255.451, Florida Statutes, is amended to read:

255.451 Electronic firesafety and security system.—The management responsibility of the electronic firesafety and security system located within the Capitol and any system associated therewith is vested in the Division of *Building Construction and Facilities Management* of the Department of *Management General Services*.

Section 193. Section 255.502, Florida Statutes, is amended to read:

255.502 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the context otherwise requires:

(1) "Acquire or acquisition" means to purchase, to erect, to build, to construct, to reconstruct, to replace, to extend, to better, to equip, to develop, to rehabilitate, to remodel, to enlarge, to furnish, to repair, or to improve a facility, in each case to the extent same constitute capital expenditures under applicable law.

(2) "Acquisition costs" means all reasonable and necessary costs incurred in the acquisition of a facility, which costs may include, but are not limited to:

- (a) The cost of acquiring real property and any buildings thereon, including payments for options, deposits, or contracts to purchase properties.
- (b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of the obligations by the division in the name and on behalf of the Division of *Building Construction and Facilities Management*, including, but not limited to, private placement fees, underwriting fees, original issue discounts, rating agency fees, and other necessary fees.

(d) Fees in connection with the planning, execution, and financing of a project, such as those of architects, engineers, attorneys, feasibility consultants, financial advisers, accountants, and the Division of *Building Construction and Facilities Management*, including the allocable portions of direct costs of the Division of *Building Construction and Facilities Management* and the lessee agencies.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, taxes and assessments, and other operating and carrying costs during the acquisition of a facility.

(f) The cost of acquiring a facility.

(g) The cost of land improvements, such as landscaping and offsite improvements.

(h) Capital expenditures incurred in connection with relocation to and initial occupancy of a facility.

(i) Any initial expense, charge, or cost payable upon issuance of the obligations with respect to the acquisition of a facility relating to or incurred in connection with remarketing of obligations, such as remarketing agent or indexing agent fees or for credit enhancements or liquidity features, including, but not limited to, letter of credit fees, whether direct pay or standby, swap agent fees and similar expenses.

(j) The initial cost of such other items, including premiums for indemnity and surety bonds, premiums on insurance, including, but not limited to, municipal bond insurance, debt service reserve insurance and lease payment insurance, and fees and expenses of trustees, depositories, registrars, book entry registrars and paying agents for obligations issued under this act.

(k) Interest on obligations from the date thereof to the time when interest is to be covered solely from sources other than proceeds of obligations and any amounts necessary to establish or fund any reserves or capital appreciation reserves required in connection with such obligations.

(l) The reimbursement of all moneys advanced or supplied to or borrowed by the Division of *Building Construction and Facilities Management* or others for the payment of any item of cost of a facility.

(m) Such other expenses as may be reasonable and necessary to the acquisition of any facility under applicable law, the financing thereof under this act, and the placing of same in use.

(3) "Agency" means any department created by chapter 20, the Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Parole Commission, the State Board of Administration, the Department of Military Affairs, or the Legislative Branch or the Judicial Branch of state government.

(4) "Authorized investments" means and includes without limitation any investment in:

(a) Bonds, notes, or other obligations of the United States or those guaranteed by the United States or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof.

(b) State bonds pledging the full faith and credit of the state and revenue bonds additionally secured by the full faith and credit of the state.

(c) Bonds of the several counties or districts in the state containing a pledge of the full faith and credit of the county or district involved.

(d) Bonds issued or administered by the State Board of Administration secured solely by a pledge of all or part of the 2-cent constitutional gas tax accruing under the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended, or of s. 9, Art. XII of the 1968 revised State Constitution.

(e) Bonds issued by the State Board of Education pursuant to ss. 18 and 19, Art. XII of the State Constitution of 1885, as amended, or to s. 9, Art. XII of the 1968 revised State Constitution, as amended.

(f) Bonds issued by the Florida Outdoor Recreational Development Council pursuant to s. 17, Art. IX of the State Constitution of 1885, as amended.

(g) Bonds issued by the Florida State Improvement Commission, Florida Development Commission, or Division of Bond Finance of the *State Board Department of Administration General Services*.

(h) Savings accounts in, or certificates of deposit of, any bank, savings bank, or savings and loan association which is incorporated under the laws of this state or organized under the laws of the United States and is doing business and situated in this state, the accounts of which are insured by the Federal Government or an agency thereof, in an amount that does not exceed 15 percent of the net worth of the institution, or a lesser amount as determined by rule by the State Board of Administration, provided such savings accounts and certificates of deposit are secured in the manner prescribed in chapter 280.

(i) Obligations of the Federal Farm Credit Banks and obligations of the Federal Home Loan Bank and its district banks.

(j) Obligations of the Federal Home Loan Mortgage Corporation, including participation certificates.

(k) Obligations guaranteed by the Government National Mortgage Association.

(l) Commercial paper of prime quality of the highest letter and numerical rating as provided for by at least one nationally recognized rating service.

(m) Time drafts or bills of exchange drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are accepted by a member bank of the Federal Reserve System having total deposits of not less than \$400 million.

Investments in any security authorized in this subsection may be under repurchase agreements or reverse repurchase agreements.

(5) "Debt service charges" means, collectively, principal, including mandatory sinking fund requirements and the accretion portion of any capital appreciation bonds for retirement of obligations, interest, redemption premium, if any, required to be paid by the Division of *Building Construction and Facilities Management* on obligations issued under this act and any obligation administrative fees.

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

(7) "Eligible facility" means all state-owned facilities under the jurisdiction of the Department of *Management General Services* and all other state-owned facilities except those having less than 3,000 square feet.

(8) "Facility" means buildings, structures, improvements, real estate, and related interests in real estate and appurtenances, fixtures, and fixed equipment, including, but not limited to, those for the purpose of housing either personnel, equipment, or functions and all storage and parking facilities related thereto or any one or more than one or all of the foregoing, or any combination thereof, furnished and acquired pursuant to this act.

(9) "Obligations" means, collectively, revenue bonds and revenue notes.

(10) "Obligation administrative fees" means any periodic expense, charge, or cost relating to or incurred in connection with remarketing of obligations such as remarketing agent or indexing agent fees and any periodic expense, charge, or cost related to any obligations or to credit enhancements or liquidity features, including, but not limited to, letter of credit fees, whether direct pay or standby, swap agent fees and similar expenses, periodic fees and expenses, if any, of trustees, depositories, registrars, book entry registrars and paying agents, and any allowances established by the Division of *Building Construction and Facilities Management* for working capital, contingency reserves, and reserves for any anticipated operating deficits during each fiscal year.

(11) "Pool" means the Florida Facilities Pool created in s. 255.505.

(12) "Pool pledged revenues" means all legislative appropriations and all fees, charges, revenues, or receipts derived by the Division of *Building Construction and Facilities Management* from the operation, leasing, or other disposition of facilities in the pool, and the proceeds of obligations

issued under this act, and shall include any moneys appropriated to an agency for the purpose of making such rental payments, rental payments received with respect to such facilities from whatever sources, and receipts therefrom, and investment of any such moneys pursuant to this act, all as are available for the payment of debt service charges on such obligations as are issued with respect to the pool.

(13) "Pool rental rate" means the per square foot rental rate established by the Division of *Building Construction and Facilities Management* for every facility which is in the pool.

(14) "Qualified facility" means an eligible facility which is either:

(a) Structurally sound and is in a satisfactory state of repair;

(b) Determined by the Division of *Building Construction and Facilities Management* to be suitable for entry into the pool although not meeting the requirements of paragraph (a); or

(c) Under the jurisdiction of the Department of *Management General Services*.

(15) "Real property" means all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms of years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

(16) "Revenue bonds" means any bonds, debentures, notes, certificates, or other evidences of financial indebtedness, whether certificated or noncertificated, issued by the division on behalf of the Division of *Building Construction and Facilities Management* of the Department of *Management General Services* under and pursuant to this act, including, but not limited to, variable rate obligations, designated maturity obligations, capital appreciation bonds, original issue discount bonds, and multimodal instruments or obligations, or instruments combining any of the foregoing.

(17) "Revenue notes" means notes or other evidences of indebtedness, whether certificated or noncertificated, issued in anticipation of the issuance of revenue bonds pursuant to this act.

(18) "State-owned facility" means any facility title to which is vested in the state or any agency.

Section 194. Section 255.503, Florida Statutes, is amended to read:

255.503 Powers of the Division of *Building Construction and Facilities Management*.—The Division of *Building Construction and Facilities Management* shall have all the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

(1) Collect reasonable rentals or charges for the use of and services provided for facilities in the pool in accordance with the provisions of this act exclusively for the purpose of paying the expenses of improving, repairing, maintaining, and operating facilities and paying debt service charges in connection with its obligations.

(2) Prescribe for the use of facilities in the pool, prescribe the amount of rentals or charges, and make and enter into contracts with any political subdivision or agency, for the use of and services provided for such facilities.

(3) Acquire facilities pursuant to section 11(e) of Article VII of the State Constitution and own, operate, and finance such facilities in accordance with this act through the issuance of obligations by the division under this act; to utilize rentals or charges from such facilities, as well as any appropriated state or other public funds; and to pledge revenue from such facilities to finance the acquisition of facilities pursuant to the provisions of this act.

(4) Operate existing state-owned facilities in the pool and to pledge rentals or charges for such facilities to finance the acquisition of facilities pursuant to the provisions of this act.

(5) Pledge, hypothecate, or otherwise encumber rentals or charges as may be agreed as security for obligations issued under this act and enter into trust agreements or indentures for the benefit of the holders of such obligations.

(6) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from any source; enter into contracts or agreements with any

party; and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof. Such advances, loans, gifts, grants, devises, or bequests of real estate may be in fee simple or of any lesser estate and may be subject to any reasonable reservations. Any advances or loans received from any source may be repaid in accordance with the terms of such advance or loan.

(7) Sell, lease, release, or otherwise dispose of facilities in the pool in accordance with applicable law.

(8) Create and establish funds and accounts for the purpose of debt service reserves, for the matching of the timing and the amount of available funds and debt service charges, for sinking funds, for capital depreciation reserves, for operating reserves, for capitalized interest and moneys not required for immediate disbursement to acquire all or a portion of any facility, and for any other reserves, funds, or accounts reasonably necessary to carry out the provisions of this act and to invest in authorized investments any moneys held in such funds and accounts, provided such investments will be made on behalf of the Division of *Building Construction and Facilities Management* by the State Board of Administration or the Treasurer, as appropriate.

(9) Engage the services of consultants for rendering professional and technical assistance and advice and to engage services of professionals in connection with the acquisition or financing of any facility or the operation and activities of the Division of *Building Construction and Facilities Management*, including attorneys, auditors, consultants, and accountants.

(10) Lease all or any portion of any facility to an agency or to any political subdivision.

(11) ~~Adopt~~ **Promulgate** all rules necessary to implement the provisions of this act.

(12) Do all other acts reasonably necessary to carry out the provisions of this act.

Section 195. Subsection (1) of section 255.504, Florida Statutes, is amended to read:

255.504 Use of facilities.—

(1) Any facility which is acquired and approved pursuant to section 11(e) of Article VII of the State Constitution and financed under this act, and any facility in the pool shall be occupied to the extent that space is available, by agencies as authorized by the Division of *Building Construction and Facilities Management*.

Section 196. Section 255.505, Florida Statutes, is amended to read:

255.505 Creation of the pool.—The Division of *Building Construction and Facilities Management* is hereby authorized and directed to create the Florida Facilities Pool in order that agencies may participate, and thereby pool the rentals to be paid by such agencies, at uniform rates with additional charges for services provided, and to authorize the issuance of obligations secured by and payable from such rentals and charges. Participation in the pool shall be in accordance with the provisions of this act.

Section 197. Subsections (1), (3), and (4) of section 255.506, Florida Statutes, are amended to read:

255.506 Facilities in pool.—The following facilities shall be entered into the pool:

(1) All existing state-owned facilities under the jurisdiction of the Department of *Management General Services* shall be entered into the pool upon the creation of the pool.

(3) Any agency may submit all, but not less than all, of the eligible facilities under its jurisdiction for entry into the pool. Each of such eligible facilities which is determined by the Division of *Building Construction and Facilities Management* to be a qualified facility shall be entered into the pool upon such determination.

(4) Any agency which requests the issuance of obligations under this act for the financing of the acquisition of a facility shall submit all, but not less than all, of the eligible facilities under its jurisdiction for entry into the pool. Each of such eligible facilities which is determined by the Division of *Building Construction and Facilities Management* to be a qualified facility shall be entered into the pool upon such a determination.

Section 198. Section 255.507, Florida Statutes, is amended to read:

255.507 Determination of qualified facilities.—The Division of *Building Construction and Facilities Management* shall adopt rules establishing the standards for a qualified facility, which rules shall take into account the intended use of such facility and, with respect to those qualified facilities described in s. 255.502(14)(b), shall take into account the economic benefit of such facility to the pool as compared to the cost to the pool of restoring such facility to the condition stated in s. 255.502(14)(a).

Section 199. Section 255.508, Florida Statutes, is amended to read:

255.508 Participation in pool.—To participate in the pool, an agency head shall submit a request to the Division of *Building Construction and Facilities Management* and to the division pursuant to rules adopted by the Division of *Building Construction and Facilities Management* pursuant to this act.

Section 200. Section 255.509, Florida Statutes, is amended to read:

255.509 Request for advisory statement.—

(1) Any agency may request from the Division of *Building Construction and Facilities Management* an advisory statement which shall state the estimated pool rental rate which would be assessed under current conditions for the agency's facilities if entered into the pool. The request for an advisory statement shall contain a description of each eligible facility under the jurisdiction of the agency or to be acquired by the agency.

(2) In rendering such advisory statement, the Division of *Building Construction and Facilities Management* shall consult with the division and shall be entitled to rely upon financial advisers or other professionals and may assume whatever method of financing that the division deems cost effective.

Section 201. Section 255.51, Florida Statutes, is amended to read:

255.51 Determination of rental rates.—The Division of *Building Construction and Facilities Management* shall determine and establish rental rates charged and computed on a per square foot basis for all facilities in the pool whether or not of new construction, and such rates shall be applied uniformly to all agencies using or occupying space in facilities in the pool with additional charges based upon the elements of service and special requests as provided. Separate rates and charges may be established for warehouse space and parking space incidental to facilities in the pool.

Section 202. Subsection (1) of section 255.511, Florida Statutes, is amended to read:

255.511 Factors to be considered in establishing rental rates.—

(1) The Division of *Building Construction and Facilities Management* shall prepare a complete annual budget for debt service on obligations issued under this act and for capital depreciation reserve deposits and expenses included in the operation and maintenance of each facility in the pool.

Section 203. Section 255.512, Florida Statutes, is amended to read:

255.512 Annual report.—The Division of *Building Construction and Facilities Management* shall submit to the Governor and to the presiding officers of each house of the Legislature, within 6 months after the end of its fiscal year, a complete and detailed report setting forth:

(1) Its operations and accomplishments.

(2) Its receipts and expenditures during the fiscal year in accordance with the categories or classifications established by the Division of *Building Construction and Facilities Management* for its operating and capital outlay purposes.

(3) Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds.

(4) A schedule of its obligations outstanding at the end of its fiscal year, together with a statement of the principal amounts of obligations issued and redeemed during the fiscal year.

Section 204. Section 255.513, Florida Statutes, is amended to read:

255.513 Powers of the Division of Bond Finance and the Division of *Building Construction and Facilities Management*.—The Division of Bond Finance and the Division of *Building Construction and Facilities Management* are authorized to jointly:

(1) Engage the services of remarketing agents, indexing agents, underwriters, financial advisers, special tax counsel, bond counsel, or similar type services with respect to the issuance of any obligations under this act.

(2) Procure credit enhancements such as municipal bond insurance, debt service reserve insurance, lease payment insurance, letters of credit or liquidity facilities such as letters of credit or surety bonds, or to enter into rate protection agreements, such as interest rate swaps or similar arrangements, in conjunction with the issuance of any obligations under this act.

Section 205. Section 255.514, Florida Statutes, is amended to read:

255.514 Division of Bond Finance; revenue bonds.—The division is authorized to issue obligations under this act on behalf of and at the request of the Division of *Building Construction and Facilities Management*.

Section 206. Section 255.515, Florida Statutes, is amended to read:

255.515 Issuance of obligations by the division.—With respect to the issuance of any obligations under this act, the division shall be entitled to use such method of financing or combination of methods of financing as it deems appropriate to result in cost-effective financing. The division shall be entitled to rely upon the advice of financial advisers and other professionals retained jointly by the Division of *Building Construction and Facilities Management* and the division for such purposes.

Section 207. Section 255.517, Florida Statutes, is amended to read:

255.517 Anticipation obligations.—To provide funds for the purposes of this act, and prior to the delivery of an issue of revenue bonds for the purposes of this act, the division may, on behalf of the Division of *Building Construction and Facilities Management*, from time to time, by resolution, anticipate the issuance of such revenue bonds by the issuance of revenue notes, including commercial paper notes in the form of bond anticipation notes, with or without coupons, exchangeable for the revenue bonds when such revenue bonds have been executed and are available for delivery, or to be paid, together with interest and premium, if any, from the proceeds of the sale of such revenue bonds or a renewal issue of revenue notes, including commercial paper notes in the form of bond anticipation notes. In connection with such revenue notes, the Division of *Building Construction and Facilities Management* may covenant to do all things necessary to authorize the issuance of the obligations and shall make the exchange or application of the proceeds pursuant to its agreements. Such revenue notes and, in the case of commercial paper notes, the latest maturity thereof shall mature not later than 5 years from the date of issue of the original revenue notes and shall bear such other terms and shall be executed and sold in the manner authorized by the division and not prohibited by this act.

Section 208. Section 255.518, Florida Statutes, is amended to read:

255.518 Obligations; purpose, terms, approval, limitations.—

(1)(a) The issuance of obligations shall provide sufficient funds to achieve the purposes of this act; pay interest on obligations except as provided in paragraph (b); pay expenses incident to the issuance and sale of any obligations issued pursuant to this act, including costs of validating, printing, and delivering the obligations, printing the official statement, publishing notices of sale of the obligations, and related administrative expenses; pay building acquisition and construction costs; and pay all other capital expenditures of the Division of *Building Construction and Facilities Management* and the division incident to and necessary to carry out the purposes and powers granted by this act, subject to the provisions of section 11(e), Article VII of the State Constitution and the applicable provisions of the State Bond Act. Such obligations shall be payable solely from the pool pledged revenues identified to such obligation. Proceeds of obligations may not be used to pay building acquisition or construction costs for any facility until the Legislature has appropriated funds from other sources estimated to be necessary for all costs relating to the initial planning, preliminary design and programming, and land acquisition for such facility and until such planning, design, and land acquisition activities have been completed. Obligation proceeds for building construction, renovation, or acquisition shall be requested for appropriation in any fiscal year by the Department of *Management General Services* only if the department estimates that such construction, renovation, or acquisition can be initiated during such fiscal year.

(b) Payment of debt service charges and any reserves on obligations during the construction of any facility financed by such obligations shall be made from funds other than proceeds of obligations.

(2) All obligations authorized by this act shall be issued on behalf of and in the name of the Division of *Building Construction and Facilities Management* by the division as provided by this act, with a term of not more than 30 years and, except as otherwise provided herein, in such principal amounts as shall be necessary to provide sufficient funds to achieve the purposes of this act.

(3) There may be established, from the proceeds of each issue of obligations, a debt service reserve account, a capitalized interest account, or a capital depreciation reserve account, in each case in an amount as may be determined by the division.

(4)(a) The provisions of the State Bond Act shall be applicable to all obligations issued pursuant to this act, when not in conflict with the provisions hereof; provided the basis of award of sale of such obligations may be either the net interest cost or the true or effective interest cost, as set forth in the resolution authorizing the sale of such obligations.

(b) In actions to validate such obligations pursuant to chapter 75, the complaint shall be filed in the Circuit Court of Leon County, the notice required by s. 75.06, shall be published only in Leon County and in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the state attorney of the Second Judicial Circuit.

(5) Any resolution or resolutions authorizing any obligations issued pursuant to this act shall provide that:

(a) The pledge of the pool pledged revenues as security for the obligations is a gross pledge of all rentals and charges included in pool pledged revenues.

(b) The Division of *Building Construction and Facilities Management* shall maintain all facilities in the pool in a satisfactory state of repair, subject to such exceptions as are determined by the Division of *Building Construction and Facilities Management*, provided that such exceptions do not result in breach of any rate covenant in connection with the obligations.

(c) The Division of *Building Construction and Facilities Management* shall establish pool rental rates in amounts so that the annualized amount of pool pledged revenues for the then current bond year shall be at least equal to the aggregate of 110 percent of debt services charges, plus 100 percent of capital depreciation reserve deposits, plus 100 percent of costs of operations and maintenance, if any, in each case as shown in the annual budget required pursuant to this act.

(d) The pool pledged revenues are pledged to secure the payment of obligations subject to such agreements with holders of outstanding obligations as may then exist.

(6) Any resolution authorizing any obligations issued pursuant to this act may contain provisions, without limitation, which shall be a part of the contract with the holders thereof, as to:

(a) Pledging all or any part of the assets of the Division of *Building Construction and Facilities Management* securing the same, including leases with respect to all or any part of a facility, to secure the payment of obligations, subject to such agreements with holders of obligations as may then exist.

(b) The use and disposition of the income from facilities in the pool.

(c) The procedure by which the terms of any contract with holders of obligations may be amended or abrogated, the principal amount of obligations the holders of which must consent thereto, and the manner in which such consent may be given.

(d) Vesting in the State Board of Administration such property, rights, powers, and duties in trust as the division and the Division of *Building Construction and Facilities Management* may determine, and limiting or abrogating the right of holders of obligations to appoint a trustee under this act or limiting the rights, powers, and duties of such trustee.

(e) Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the division and the Division of *Building Construction and Facilities Management* to the holders of obli-



gations and providing for the rights and remedies of holders of obligations in the event of such default, including, as matter of right, the appointment of a receiver; provided such rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this act.

(f) Providing for the segregation of revenues payable to the Division of *Building Construction and Facilities Management* as rentals or charges arising from facilities in the pool; providing for the handling of such revenues and the remittance of all or a portion thereof to the State Board of Administration or a paying agent; providing for the establishment of debt service reserves, capitalized interest accounts, capital depreciation reserve accounts, and the calculation of the amounts to be deposited therein; providing for the procurement of letters of credit or municipal bond insurance or similar credit enhancements or of letters of credit or similar liquidity facilities for the benefit of holders of such obligations or for the entering into of agreements with remarketing agents, tender agents, or indexing agents or of reimbursement agreements with respect to any of the foregoing concerning any such obligations.

(g) Providing for the circumstances under which facilities may be retired from or removed from and not replaced in the pool, so long as this does not result in a breach of any rate covenant with respect to the obligations.

(h) Any other matters, of like or different character, which in any way affect the security or protection of holders of obligations.

(7)(a) The obligations issued by the division on behalf of and in the name of the Division of *Building Construction and Facilities Management* shall be sold at public sale in the manner provided by the State Bond Act; provided that if the division shall determine that a negotiated sale of the obligations is in the best interest of the state, the division may negotiate for sale of the obligations with the underwriter jointly designated by the division and the Division of *Building Construction and Facilities Management*. In authorizing the negotiated sale, the division shall provide specific findings as to the reasons for the negotiated sale. The reasons shall include, but not be limited to, characteristics of the obligations to be issued and prevailing market conditions that necessitate a negotiated sale. In the event the division negotiates for sale of obligations, the managing underwriter, or financial consultant or adviser, if applicable, shall provide to the division, prior to the award of such obligations to the managing underwriter, a disclosure statement containing the following information:

1. An itemized list setting forth the nature and estimated amounts of expenses to be incurred by the managing underwriter in connection with the issuance of such obligations. Notwithstanding the foregoing, any such list may include an item for miscellaneous expenses, provided it includes only minor items of expense which cannot be easily categorized elsewhere in the statement.
2. The names, addresses, and estimated amounts of compensation of any finders connected with the issuance of the obligations.
3. The amount of underwriting spread expected to be realized.
4. Any management fee charged by the managing underwriter.
5. Any other fee, bonus, or compensation estimated to be paid by the managing underwriter in connection with the obligations issued to any person not regularly employed or retained by it.
6. The name and address of the managing underwriter, if any, connected with the obligations issued.
7. Any other disclosure which the division may require.

This paragraph is not intended to restrict or prohibit the employment of professional services relating to obligations issued under this act or the issuance of bonds by the division under any other provisions of law.

(b) In the event an offer of an issue of obligations at public sale produces no bid, or in the event all bids received are rejected, the division is authorized to negotiate for the sale of the obligations under such rates and terms as are in the best interest of the state; provided that no obligations shall be so sold or delivered on terms less favorable than the terms contained in any bids rejected at the public sale thereof or, if no bids were received at such public sale, the terms contained in the notice of public sale.

(c) The failure of the division to comply with one or more provisions of this section shall not affect the validity of the obligations so issued.

(8)(a) No underwriter, commercial bank, investment banker, or financial consultant or adviser shall pay any finder any bonus, fee, or gratuity in connection with the sale of obligations issued by the division on behalf of and in the name of the Division of *Building Construction and Facilities Management* unless full disclosure is made to the division prior to or concurrently with the submission of a purchase proposal for such obligations by the underwriter, commercial bank, investment banker, or financial consultant or adviser and is made subsequently in the official statement or offering circular, if any, detailing the name and address of any finder and the amount of bonus, fee, or gratuity paid to such finder.

(b) A willful violation of this subsection is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) No violation of this subsection shall affect the validity of any obligation issued under this act.

(9) As used in this section, the term "finder" means a person who is neither regularly employed by, nor a partner or officer of, an underwriter, bank, banker, or financial consultant or adviser and who enters into an understanding with either the issuer or the managing underwriter, or both, for any paid or promised compensation or valuable consideration, directly or indirectly, expressly or impliedly, to act solely as an intermediary between such issuer and managing underwriter for the purpose of influencing any transaction in the purchase of such obligations.

(10) All obligations issued by the division on behalf of and in the name of the Division of *Building Construction and Facilities Management* shall state on the face thereof that they are payable, both as to principal and interest, and premium, if any, solely out of the pool pledged revenues, and do not constitute an obligation, either general or special, of the state or of any political subdivision.

(11) All obligations issued by the division on behalf of and in the name of the Division of *Building Construction and Facilities Management* are hereby declared to have all the qualities and incidents of negotiable instruments under the applicable laws of the state.

(12) Any pledge of earnings, revenues, or other moneys made by the Division of *Building Construction and Facilities Management* shall be valid and binding from the time the pledge is made. Any earnings, revenues, or other moneys so pledged and thereafter received by the Division of *Building Construction and Facilities Management* shall immediately be subject to the lien of that pledge without any physical delivery thereof or further act, and the lien of the pledge shall be valid and binding as against the Division of *Building Construction and Facilities Management* irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded or filed pursuant to the Uniform Commercial Code.

(13) No employee of the Division of *Building Construction and Facilities Management* or the division, nor any person executing obligations issued under this act by the division on behalf of and in the name of the Division of *Building Construction and Facilities Management*, shall be liable personally on the obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 209. Section 255.52, Florida Statutes, is amended to read:

255.52 Approval by State Board of Administration.—At or prior to the sale by the division, all obligations proposed to be issued by the division shall be approved by the State Board of Administration as to fiscal sufficiency. The State Board of Administration shall look to the rate coverage of all pool pledged revenues, as projected by the Division of *Building Construction and Facilities Management*, with respect to all proposed and outstanding obligations issued under this act:

- (1) One hundred and ten percent of debt service charges; plus
- (2) One hundred percent of capital depreciation reserved deposits, if any; plus
- (3) One hundred percent of costs of operation and maintenance.

With respect to variable rate obligations, such evaluation shall be made at the interest rate for the date of sale determined as provided in s. 255.519.

Section 210. Section 255.521, Florida Statutes, is amended to read:

255.521 Failure of payment.—Should an agency fail to make a timely payment of the pool pledged rentals or charges as required by this act, the Comptroller shall withhold general revenues of the agency in an amount sufficient to pay the rentals and charges due and unpaid from such agency. The Comptroller shall forward said general revenue amounts to the Division of *Building Construction and Facilities Management* in payment of such rents.

Section 211. Section 255.522, Florida Statutes, is amended to read:

255.522 State and political subdivisions not liable on obligations.—Obligations issued pursuant to this act shall not be a debt of the state or of any political subdivision, and neither the state nor any political subdivision shall be liable thereon. The Division of *Building Construction and Facilities Management* shall not have the power to pledge the credit, the revenues, or the taxing power of the state or of any political subdivision; and neither the credit, the revenues, nor the taxing power of the state or of any political subdivision shall be, or shall be deemed to be, pledged to the payment of any obligations issued pursuant to this act.

Section 212. Section 255.523, Florida Statutes, is amended to read:

255.523 Exemption from taxes.—The property of the Division of *Building Construction and Facilities Management*, the transactions and operations thereof, and the income therefrom shall be exempt from taxation by the state and political subdivisions.

Section 213. Section 255.555, Florida Statutes, is amended to read:

255.555 Records.—Each state agency which finds that it has asbestos-containing materials in any public building for which it is responsible shall prepare and maintain a record containing a report summarizing the survey, including the hazard assessment, drawings and photographs of the sample area, and estimates of the quantities of hazardous materials. The agency shall, within 30 days of receipt of said survey, submit a copy of the survey to the regional asbestos program manager and a summary to the Department of *Management General Services*.

Section 214. Section 255.565, Florida Statutes, is amended to read:

255.565 Asbestos Oversight Program Team.—There is created an Asbestos Oversight Program Team which shall consist of the Asbestos Program Coordinator appointed by the Secretary of Labor and Employment Security, one member appointed by the Secretary of Health and Rehabilitative Services, one member appointed by the Secretary of Environmental Regulation, one member appointed by the Secretary of Professional Regulation, one member appointed by the Chancellor of the State University System, one member appointed by the Department of Education, and one member appointed by the ~~Secretary Executive Director~~ of the Department of *Management General Services*. The Asbestos Oversight Program Team shall be responsible for asbestos policy development, regulatory review, asbestos training course approval, and coordination with regional asbestos project managers and building contact persons on policy and procedures.

Section 215. Subsection (5) of section 259.03, Florida Statutes, is amended to read:

259.03 Definitions.—The following terms and phrases when used in ss. 259.01-259.06 shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(5) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 216. Paragraph (c) of subsection (3) of section 265.284, Florida Statutes, is amended to read:

265.284 Chief cultural officer; director of division; powers and duties.—

(3) The Division of Cultural Affairs shall have direct administrative authority and responsibility for all of the programs authorized by this act. In furtherance thereof, the division shall have the authority to:

(c) Seek, and help assure, a uniformity of artwork within state buildings and review all art content of existing public buildings or buildings of state ownership for the purpose of making recommendations to the Department of *Management General Services* as to matters of installation, relocation, restoration, removal, or any other disposition of such works of art.

Section 217. Paragraph (h) of subsection (2) of section 265.285, Florida Statutes, is amended to read:

265.285 Florida Arts Council; membership, duties.—

(2) The duties of the council shall be to:

(h) Promote the decoration and beautification of the interiors of the Capitol Building and other public buildings and advise appropriate state officers, state agencies, and the Department of *Management General Services* in this regard.

Section 218. Paragraph (a) of subsection (2) of section 265.2865, Florida Statutes, is amended to read:

265.2865 Florida Artists Hall of Fame.—

(2)(a) There is hereby created the Florida Artists Hall of Fame. The Florida Arts Council shall identify an appropriate location in the public area of a building in the Capitol Center that is under the jurisdiction of the Division of *Building Construction and Facilities Management* of the Department of *Management General Services*, which location shall be set aside by the Division of *Building Construction and Facilities Management* and designated as the Florida Artists Hall of Fame.

Section 219. Subsection (6) of section 267.061, Florida Statutes, is amended to read:

267.061 Historic properties; state policy, responsibilities.—

(6) DEPARTMENT OF *MANAGEMENT GENERAL SERVICES*.—The Department of *Management General Services*, in consultation with the division, shall adopt rules for the renovation of historic properties which are owned or leased by the state. Such rules shall be based on national guidelines for historic renovation, including the standards for rehabilitation adopted by the United States Secretary of the Interior.

Section 220. Subsections (1) and (2) of section 270.27, Florida Statutes, are amended to read:

270.27 Sale of unused public lands.—

(1) The Department of *Management General Services* is hereby authorized to sell, to the best possible advantage, any or all detached pieces or parcels of land held by the state for the use of any institution under the supervision and control of the department, whenever, in the judgment of the department, such detached pieces or parcels of land are not suitable for, or necessary and useful in, the operation and maintenance of such institution, and the proceeds from the sale of such land could be used to better advantage than said land in the operation and maintenance of such institution.

(2) The proceeds derived from the sale of any land, as authorized in this section, shall be deposited in the State Treasury to the account of the Department of *Management General Services* for the use of the particular institution from the sale of whose lands said funds were derived. Such funds may be used, from time to time, by the department for the purpose of acquiring additional lands that may be needed for the particular institution credited with such funds, or for needed buildings or repairs for such institution, in the discretion of the department; and such funds, when obtained, are hereby appropriated for such purposes.

Section 221. Section 272.03, Florida Statutes, is amended to read:

272.03 Division of *Building Construction and Facilities Management* to supervise Capitol Center buildings; title in state.—

(1) All state buildings now or hereafter constructed included in the Capitol Center at the state capital and the grounds and squares contiguous thereto shall be under the general control, custodianship, and supervision of the Division of *Building Construction and Facilities Management* of the Department of *Management General Services*.

(2) Title to said buildings shall vest in the state.

(3) Nothing herein is intended to disturb or impair the contractual obligations for the discharge of the indebtedness incurred for the construction of the Florida Industrial Commission Building.

Section 222. Section 272.04, Florida Statutes, is amended to read:

272.04 Division to allocate space.—The Division of *Building Construction and Facilities Management* of the Department of *Management*

General Services shall have authority to allocate space to house the various departments, agencies, boards, and commissions in said buildings, excepting, however, the new Supreme Court Building, for which authority shall be vested in the justices of the Supreme Court.

Section 223. Section 272.05, Florida Statutes, is amended to read:

272.05 Budgets for repair and maintenance; review.—The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* and the Executive Office of the Governor shall be empowered to review, change, and modify the budgets of the departments, agencies, boards, and commissions relating to the repair, upkeep, and maintenance of said buildings.

Section 224. Section 272.06, Florida Statutes, is amended to read:

272.06 Authority to enter into contracts to provide utility services for buildings.—The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* may provide or enter into contracts to provide heating, power, lighting, cooling systems, and other necessary services or facilities for any or all of said buildings.

Section 225. Section 272.07, Florida Statutes, is amended to read:

272.07 Division may provide for parks, drives, and walkways.—The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* may provide for the establishment of parks, drives, walkways, and parkways on said grounds and squares and for the supervision, regulation, and maintenance of the same, including traffic and parking thereon.

Section 226. Section 272.08, Florida Statutes, is amended to read:

272.08 Duty of repair, maintenance, and supervision.—Except when otherwise directed by the Division of *Building Construction and Facilities Management* of the Department of *Management General Services*, the official or officials now having the duty of repair, care, maintenance, and supervision of any of said buildings shall continue to exercise such authority.

Section 227. Section 272.09, Florida Statutes, is amended to read:

272.09 Management, maintenance, and upkeep of Capitol Center.—The management, maintenance, and upkeep of the Capitol Center as defined in s. 272.03, are hereby vested in and made the direct obligation of the Division of *Building Construction and Facilities Management* of the Department of *Management General Services*, which shall have authority to do all things necessary to satisfactorily accomplish these functions, including the employment of a superintendent of grounds and buildings and other employees; the establishment of central repair and maintenance shops; and the designation or appointment of nonsalaried advisory committees to advise with them.

Section 228. Paragraph (a) of subsection (2), paragraph (b) of subsection (3), and subsections (5) and (7) of section 272.12, Florida Statutes, are amended to read:

272.12 Florida Capitol Center Planning District.—

(2)(a) There is hereby created within the Department of *Management General Services* a Capitol Center Planning Commission to be composed of seven persons, hereinafter referred to as the "planning commission." Membership on the planning commission shall be as follows: Four private citizens who have distinguished themselves in planning, architecture, zoning, or such other fields as would promote the intent of this act shall be appointed by the Governor; two members shall be appointed by the City Commission of the City of Tallahassee; and one member shall be appointed by the Board of County Commissioners of Leon County. All members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(3)

(b) The commission shall obtain such professional, expert, clerical, or other assistance from the Department of *Management General Services* as may be required to carry out the purposes of this act.

(5) Upon the adoption by the planning commission of a plan for development within the district or upon the adoption by the planning commission of an order to the City of Tallahassee and to Leon County,

no building permit may be issued by the City of Tallahassee or Leon County for any development proposal within the district unless the development proposal is first certified by the Department of *Management General Services* to comply with the provisions of this act. The commission shall ~~adopt~~ promulgate rules and regulations for the certification of development proposals by the Department of *Management General Services*. The commission may retain the authority to approve each development proposal or it may delegate that authority to the Department of *Management General Services*, provided the proposal is consistent with the overall plan for development of the district.

(7) The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* is hereby authorized to purchase at fair market value any lands or buildings owned by the Department of Transportation within the Capitol Center. The Division of *Building Construction and Facilities Management* may use for this purpose any funds which are available to the division at the time of the purchase.

Section 229. Subsection (1) of section 272.121, Florida Statutes, is amended to read:

272.121 Capitol Center long-range planning.—

(1) The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* shall develop a comprehensive and long-range plan for development within the Capitol Center, which plan, and amendments thereto, shall be presented to the planning commission for final approval. In developing this plan, the division shall consider:

(a) The most efficient, expeditious, and economical method of accomplishing the desired results.

(b) The architectural and aesthetic coordination of the proposed plan with the existing structures.

(c) The effective utilization of all available space so as to minimize waste.

(d) The plans adopted by the local planning agencies in Leon County.

Section 230. Section 272.122, Florida Statutes, is amended to read:

272.122 Acquisition of land for state buildings and facilities in the Capitol Center.—The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* is hereby authorized and directed to acquire both land and buildings now needed or to be needed for use, in whole or in part, by state government or any agency, board, bureau, or commission thereof. However, no building can be constructed or land acquired under this section without specific legislative approval. The acquisition of the land, buildings, and facilities may be financed by grants, by direct appropriations, or by the issuance of revenue bonds or certificates pledging the revenues and rentals derived from the use of the buildings and facilities. The Department of *Management General Services* is expressly authorized to issue revenue certificates to carry out the purposes of this section. Title to any lands acquired pursuant to this section shall be vested in the Board of Trustees of the Internal Improvement Trust Fund for the use and benefit of the State of Florida.

Section 231. Section 272.124, Florida Statutes, is amended to read:

272.124 Division of *Building Construction and Facilities Management*; power to contract.—The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* is authorized and empowered to make and enter into any contract or agreement, with any person or agency, public or private, to lease, buy, acquire, construct, hold, or dispose of real and personal property necessary to carry out the objects and purposes of this act; however, no contract may be entered into without specific authorization of the Legislature for the project. Lands shall be acquired by the Division of *Building Construction and Facilities Management* in accordance with acquisition procedures for state lands provided for in s. 253.025.

Section 232. Subsection (2) of section 272.129, Florida Statutes, is amended to read:

272.129 Florida Historic Capitol; space allocation; maintenance, repair, and security.—

(2) Custodial and preventive maintenance, repair, and security of the entire Historic Capitol and the grounds located adjacent thereto shall be the responsibility of the Department of *Management General Services*, subject to the special requirements of the building as determined by the Capitol Curator.

Section 233. Subsections (1) and (4) of section 272.16, Florida Statutes, are amended to read:

272.16 Parking areas within Capitol Center area.—

(1) The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* may assign parking areas within the Capitol Center area to a state agency for its own use or for reassignment to state officers and employees employed in Tallahassee; however, parking areas must be provided for members of the Legislature during sessions of the Legislature, regular and extraordinary. Not more than 15 percent of said parking areas may be set aside for the use of persons temporarily visiting or attending to business in the Capitol Center area who reside beyond the territorial limits of the City of Tallahassee. Any remaining portion of the parking areas not assigned as aforesaid may be limited in period of time for use. However, the Department of *Management General Services* shall have no power to assign parking spaces in the legislative office buildings, nor shall those spaces and spaces in the parking facility within the Capitol Building which are allocated to the Legislature be included under the provisions of this section and s. 272.161(1), except as provided in subsection (2) of this section.

(4) The Department of *Management General Services* shall adopt such rules as are necessary to carry out the purposes of subsections (1) and (3).

Section 234. Section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces.—

(1)(a) The Department of *Management General Services* may assign a reserved parking space to any state employee, qualified state employee car pool, provider of essential services to the state, or state agency for reassignment to its employees. Any state agency assigned a reserved parking space shall charge the user of such space, except a qualified state employee car pool, a fee in accordance with guidelines established by the department.

(b) Any state agency assigned a reserved parking space which is not rented for a period of 7 consecutive days shall return such space to the department for reassignment. All state agencies assigned reserved parking spaces shall assure the timely payment of assessed rent to the department.

(c) Assignments of reserved parking spaces shall be limited to the amount of available parking under the supervision of the department. Preference in the assignment of reserved parking spaces shall be given qualified state employee car pools. A state agency, employee, state employee car pool, or provider of essential services may request a reserved parking space in a manner prescribed by the department.

(d) The Auditor General shall conduct an audit of state employee parking in non-state-owned parking lots and shall make a recommendation to the Legislature before the 1986 session, for an equitable rate-setting mechanism to ensure that state employees, who, by job description, are required to own an automobile as a condition of employment, are not subjected to higher parking rates than the average rate for employees in state-owned parking facilities.

(2) All employee parking fees shall be payable by the payroll deduction plan, periodically according to the employee's pay schedule, to the Department of *Management General Services* or to the contracting agency.

(3) All fees collected by the Department of *Management General Services* under the provisions of this section shall be deposited in the Paid Parking Trust Fund, which is hereby created. The department shall account for the revenues and expenditures related to the paid parking program in compliance with the provisions of s. 215.32(2)(b). The revenues collected from parking fees shall be used for the maintenance, minor construction, enforcement, security, and administration of parking facilities and programs.

(4) The Department of *Management General Services* shall adopt such rules as are necessary to carry out the purposes of this section. The

department shall establish guidelines for qualifying as a state employee car pool and for the preferential assignment of reserved spaces to car pools.

(5) The Department of *Management General Services* shall establish fees on all state-owned reserved parking spaces, except those assigned to qualified state employee car pools, under the jurisdiction of the department. The department shall also issue loading zone permits and scramble parking permits for a fee sufficient to cover the cost of administering the permits and maintaining the parking areas.

(6) The Department of *Management General Services* shall have the authority to remove or tow away, or cause to be removed or towed away, any wrongfully parked vehicle in any assigned or reserved parking space or area under the control of the Department of *Management General Services* throughout the state at the expense of the owner of the wrongfully parked vehicle.

Section 235. Paragraph (a) of subsection (1), paragraphs (b) and (c) of subsection (2), and paragraph (b) of subsection (3) of section 272.18, Florida Statutes, are amended to read:

272.18 Governor's Mansion Commission.—

(1)(a) There is created within the Department of *Management General Services* a Governor's Mansion Commission to be composed of eight members. Five members shall be private citizens appointed by the Governor and subject to confirmation by the Senate; one member shall be the Director of the Division of *Building Construction and Facilities Management* of the Department of *Management General Services*; one member shall be the Director of the Division of Recreation and Parks of the Department of Natural Resources; and one member shall be designated by the Secretary of State and shall be an employee of the Department of State with curatorial and museum expertise. The Governor shall appoint all citizen members for 4-year terms. The Governor shall fill vacancies for the remainder of unexpired terms. The spouse of the Governor or the designated representative of the Governor shall be an ex officio member of the commission but shall have no voting rights except in the case of a tie vote.

(2)

(b) The commission shall obtain clerical, expert, technical, or other services from the Department of *Management General Services* as the commission requires to carry out the purposes of this section.

(c) Members of the commission shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. All expenses of the commission shall be paid from appropriations to be made by the Legislature to the Department of *Management General Services* for that purpose. The commission shall submit its budgetary requests to the Department of *Management General Services* for approval and inclusion in the legislative budget request of the department. All vouchers shall be approved by the ~~Secretary~~ *Executive Director* of the Department of *Management General Services* before being submitted to the Comptroller for payment.

(3)

(b) The commission shall recommend for approval by the Governor and Cabinet, ~~as head of the Department of General Services~~, any major changes in the architecture, furniture, furnishings, fixtures, or decorative objects of the Governor's Mansion, the structures thereon, or the landscaping of the grounds.

Section 236. Paragraph (a) of subsection (1) and subsection (2) of section 272.185, Florida Statutes, are amended to read:

272.185 Maintenance of Governor's Mansion by Division of Facilities Management.—

(1) POWERS AND DUTIES OF DIVISION.—

(a) The Division of *Building Construction and Facilities Management* of the Department of *Management General Services* shall maintain all structures, furnishings, equipment, and grounds of the Governor's Mansion, except that the exterior facades; the landscaping of the grounds; the antique furnishings in the private quarters; the interiors of the state rooms; and the articles of furniture, fixtures, and decorative objects used or displayed in the state rooms shall be maintained pursuant to the directives of the Governor's Mansion Commission.

(2) **FINANCING; BUDGETS.**—The division shall submit its budgetary requirements to the Department of *Management General Services* for its approval and inclusion in legislative budget requests.

Section 237. Section 273.04, Florida Statutes, is amended to read:

273.04 **Property acquisition.**—Whenever acquiring property, the custodian may pay the purchase price in full or may exchange property with the seller as a trade-in after first offering such exchange property for sale to the *Bureau Division of Surplus Property of the Division of Purchasing of the Department of Management Services*. The *Bureau Division of Surplus Property* may purchase the exchange property for the amount of the trade-in allowance offered by the seller. The receipts from such sales are hereby appropriated and may be applied to the cost of the property acquisition. The *bureau division* may authorize the custodian to exchange property with the seller as a trade-in and apply the exchange allowance to the cost of the property acquired. If, whenever acquiring property, the custodian may best serve the interests of the state by outright sale of property rather than by exchange as a trade-in, *the custodian* he may make the sale in the manner prescribed in this act for the disposal of surplus property; and the receipts from the sale are hereby appropriated and may be applied to the cost of the property acquired, except that the value of the property sold must not exceed the approximate value of the property acquired, and the property to be acquired shall be contracted for within 2 years after the date that the *same biennium in which the property sold is disposed of*.

Section 238. Section 273.05, Florida Statutes, is amended to read:

273.05 **Surplus property.**—The custodian *may shall have discretion* to classify as surplus any property in his custody that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function as to any activity or location under his supervision. The fact that property is surplus shall be certified to the *Bureau of Surplus Property of the Division of Purchasing of the Department of Management General Services*, together with information indicating the value and condition of the property.

Section 239. Subsection (1) of section 273.055, Florida Statutes, is amended to read:

273.055 **Disposition of state-owned tangible personal property.**—

(1) The *Bureau Division of Surplus Property of the Division of Purchasing of the Department of Management General Services* shall have all right, title, interest, and equity in all state-owned tangible personal property certified and transferred to it as surplus. The *bureau division* shall *adopt promulgate* administrative rules and regulations pursuant to chapter 120 providing for, but not limited to, the *assessing assessment* of fees for services rendered and for *classifying the classification, certifying certification, transferring transfer, warehousing, bidding, destroying destruction, scrapping, or other disposing disposal* of state-owned tangible personal property. However, the approval of the Division of Motor Pool *is shall be* required prior to the disposal of motor vehicles, watercraft, or aircraft pursuant to ss. 287.15 and 287.16.

Section 240. Section 281.02, Florida Statutes, is amended to read:

281.02 **Powers and duties of the Division of Capitol Police.**—The Division of Capitol Police of the Department of *Management General Services* has the following powers and duties:

(1) To establish a comprehensive and ongoing plan for the firesafety and security of the Capitol, the Senate Office Building, the House Office Building, and the Historic Capitol, including, but not limited to, the institution of programs for the awareness and training in firesafety and security of members of the Legislature and their employees, and all other elected officials and their respective employees, who occupy such buildings. The division shall also ensure that adequate signs and personnel are in place to inform and assist the occupants of and visitors to such buildings.

(2) To provide and maintain the firesafety and security of all state-owned property leased from the Department of *Management General Services*, excluding state universities and custodial institutions, the Governor's office, the Governor's mansion and the grounds thereof, and the Supreme Court.

(3) To develop emergency procedures and evacuation routes in the event of fire or disaster and to make such procedures and routes known to those persons occupying state-owned buildings leased from the Department of *Management General Services*.

(4) To employ:

(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 110, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and

(b) Guards and administrative, clerical, technical, and other personnel as may be required.

(5) To train agents and guards in fire prevention, firesafety, and emergency medical procedures.

(6) To respond to all complaints relating to criminal activity within state-owned buildings or state-leased property.

(7) To enforce rules of the Department of *Management General Services* governing the regulation of traffic and parking on state-owned or state-leased property, including, but not limited to, issuing citations for the violation of such rules or the traffic laws of the state or any county or municipality and impounding illegally or wrongfully parked vehicles.

(8) To delegate its duties provided in this section to any state agency occupying such state-owned or state-leased property.

Section 241. Subsection (1) of section 281.07, Florida Statutes, is amended to read:

281.07 **Rules; Division of Capitol Police; traffic regulation.**—

(1) The Department of *Management General Services* shall adopt and promulgate rules to govern the administration, operation, and management of the Division of Capitol Police and to regulate traffic and parking on state-owned or state-leased property, which rules are not in conflict with any state law or county or municipal ordinance, and to carry out the provisions of ss. 281.02-281.09.

Section 242. Section 282.102, Florida Statutes, is amended to read:

282.102 **Powers and duties of Division of Communications of the Department of Management General Services.**—The Division of Communications of the Department of *Management General Services* shall have the following powers, duties, and functions:

(1) To develop a State Implementation Plan for Communications Services.

(2) To coordinate the purchase, lease, and use of all communications services for state government, including communications services provided as part of any other total system to be used by the state or any of its agencies.

(3) To advise state agencies and political subdivisions of the state as to systems or methods to be used to meet communications requirements efficiently and effectively.

(4) To consolidate the communications systems and services of state agencies and to provide for their joint use by the agencies when determined by the division to be economically efficient or performance-effective.

(5) To adopt technical standards for the state communications system which will assure the interconnection of computer networks and information systems of state agencies. Such standards must be in accordance with the policies and standards adopted by the Information Resource Commission.

(6) To assume management responsibility for any consolidated communications system or service when determined by the division to be economically efficient or performance-effective.

(7) To enter into agreements for the support and use of the communications services of state agencies and of political subdivisions of the state.

(8) To provide for the rendering of aid between state government and its political subdivisions with respect to the organizing of communication systems.

(9) To use or acquire, with agency concurrence and approval by the Governor and Cabinet, communications facilities now owned or operated by any state agency.

(10) To standardize policies and procedures for the use of such services.

(11) To delegate to state agencies the powers of acquisition, lease, and utilization of communications facilities and services.

(12) To purchase from or contract with suppliers and communications common carriers for communications facilities or services, including private line services.

(13) To apply for, receive, and hold, or assist agencies in applying for, receiving, or holding, such authorizations, licenses, and allocations or channels and frequencies to carry out the purposes of ss. 282.101-282.109.

(14) To acquire real estate, equipment, and other property.

(15) To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(16) Unless delegated to the agencies, to control and approve the purchase, lease, and use of all communications equipment and facilities, including communications services provided as part of any other total system to be used by the state or any of its agencies. This subsection does not apply to the data processing hardware of an agency defined in s. 282.303(4).

(17) To take ownership, custody, and control of existing communications equipment and facilities, with agency concurrence and approval by the Governor and Cabinet, including all right, title, interest, and equity therein, to carry out the purposes of ss. 282.101-282.109. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications or telephone company.

(18) To prescribe rules and regulations for the use of the state communications system.

(19) To provide a means whereby political subdivisions of the state may use ~~utilize~~ the state communications system upon such terms and under such conditions as the division may establish.

(20) To apply for and accept federal funds for any of the purposes of ss. 282.101-282.109 as well as gifts and donations from individuals, foundations, and private organizations.

(21) To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(22) Unless delegated to the agencies, to manage and control, but not intercept or interpret, communications within the SUNCOM Network, pursuant to the State Implementation Plan for Communications Services by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the standards and policies of all state agencies and the service agreements executed with state agencies.

(23) To plan, design, and conduct experiments in communications services, equipment, and technologies, and to implement enhancements in the state communications system when justified and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 1 percent of the annual budget for the SUNCOM Network for any fiscal year. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(24) To provide to the Information Resource Commission, by December 1 of each year, a forecast of proposed SUNCOM Network services for use by the commission in developing the State Strategic Plan for Information Resources Management.

(25) To submit to the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, the Information Resource Commission, and the Auditor General, by October 1 of each year, a performance report on the progress made, costs incurred, services provided, and benefits realized for the prior fiscal year as compared to the State Implementation Plan for the same period.

Section 243. Section 282.1021, Florida Statutes, is amended to read:

282.1021 State Implementation Plan for Communications Services.—

(1) The Division of Communications of the Department of ~~Management General~~ Services shall biennially develop a state plan for the implementation of communications services. At a minimum, the State Implementation Plan shall include descriptions of how the plan will support and further the goals and policies of the State Comprehensive Plan and the State Strategic Plan for Information Resources Management approved by the Information Resource Commission, and address the communications needs identified in each department's approved Strategic Plan for Information Resources Management. Such plan shall also include a general description of communications services available and planned to be made available during the plan period along with the estimated cost of providing those services. A copy of the proposed State Implementation Plan shall be sent to the executive administrator of the Information Resource Commission for his review and recommendations to the division.

(2) The State Implementation Plan shall be submitted to the Governor and Cabinet, sitting as the head of the ~~Information Resource Commission Department of General Services~~, for approval on or before February 1 of each odd-numbered year. A copy of the recommendations by the executive administrator of the Information Resource Commission shall be provided to the Governor and Cabinet along with the final State Implementation Plan.

Section 244. Subsections (1) and (4) of section 282.103, Florida Statutes, are amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the Division of Communications of the Department of ~~Management General~~ Services the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(4) The SUNCOM Network shall not be considered a project as defined in s. 282.303(17) or included as an application in the information resources management schedule of the Department of ~~Management General~~ Services required by s. 216.031, its strategic plan required by s. 282.307, or its performance report required by s. 282.312.

Section 245. Subsection (1) of section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The Division of Communications of the Department of ~~Management General~~ Services shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Receive no more than 25 percent of its total revenue from any source other than a state agency or political subdivision of the state during each fiscal year for which authorization is sought; and

(b) Expend at least 75 percent of its total direct man-hours of labor required for the provision of services to the state or a political subdivision of the state.

Section 246. Subsection (1), and paragraph (a) of subsection (5) of section 282.1095, Florida Statutes, are amended to read:

282.1095 Mutual aid channel.—



(1) For the purpose of acquiring and implementing a statewide radio communications system to serve law enforcement units of state agencies and local law enforcement agencies through a mutual aid channel, the Joint Task Force on State Agency Law Enforcement Communications and the State Agency Law Enforcement Radio System Trust Fund are hereby established in the Department of *Management General Services* from July 1, 1988, through December 31, 2003. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 327.25.

(5)(a) The Division of Communications of the Department of *Management General Services* shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

Section 247. Subsection (1) of section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the Division of Communications of the Department of *Management General Services* with any information the division requests for the purpose of implementing the provisions of subsection (2).

Section 248. Subsection (1) of section 282.304, Florida Statutes, is amended to read:

282.304 Information Resource Commission.—

(1) There is created the Information Resource Commission, the membership of which shall be the Governor and Cabinet. The commission shall be placed in the Department of *Management General Services*. The Governor shall be the chairperson of the commission and may call a meeting of the commission when the need arises. All actions taken by the commission shall be based on approval by a simple majority.

Section 249. Subsections (1), (2), (3), (4), and (5) of section 282.3061, Florida Statutes, are amended to read:

282.3061 State Strategic Plan for Information Resources Management.—

(1) The executive administrator of the Information Resource Commission shall prepare for the commission's review and approval a State Strategic Plan for Information Resources Management by February 1 of each even-numbered year. The plan shall accurately reflect and provide for the implementation of the goals and policies of the State Comprehensive Plan. The State Strategic Plan for Information Resources Management shall:

(a) Provide a strategic direction for information resources management by state government for the ensuing 4 fiscal years.

(b) Establish state goals and objectives relating to information resources management.

(c) Provide long-range policy guidelines for the state in achieving integrated and efficient information resources management.

(d) Identify major statewide issues relating to improved information resources management by state government.

(e) Identify the priorities for new SUNCOM Network services to be implemented by the Division of Communications of the Department of *Management General Services*.

(2) In developing the State Strategic Plan for Information Resources Management, the executive administrator shall assess the current practices of state agencies regarding information resources management and current and future information resources management technologies and practices and their potential application in state government. In addition, the executive administrator shall consult with the Division of Communications of the Department of *Management General Services* as to the direction of development of communications and communications services in the state and in the industry.

(3) Prior to the approval of the State Strategic Plan for Information Resources Management, or amendments thereto, the executive administrator shall seek the advice of and consult with the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, the Supreme Court, the Board of Regents, the Division of Communications of the Department of *Management General Services*, and the Information Resources Management Advisory Council.

(4) The Executive Office of the Governor and the Division of Communications of the Department of *Management General Services* shall review the proposed State Strategic Plan for Information Resources Management and provide recommendations to the executive administrator. A copy of such recommendations shall also be provided to the commission.

(5) Copies of the approved State Strategic Plan for Information Resources Management, and amendments thereto, shall be forwarded to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Auditor General, all state agencies, and the Division of Communications of the Department of *Management General Services* for their use in developing the State Implementation Plan for Communications Services.

Section 250. Subsection (3) of section 282.3062, Florida Statutes, is amended to read:

282.3062 Annual Report on Information Resources Management.—

(3) Copies of the annual reports on information resources management shall be provided to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Auditor General, the Division of Communications of the Department of *Management General Services*, and all state agencies.

Section 251. Subsections (2) and (3) of section 282.307, Florida Statutes, are amended to read:

282.307 Strategic Plan for Information Resources Management; penalty for noncompliance —

(2)(a) The commission shall develop instructions, in consultation with the Executive Office of the Governor and the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and, for the communications components of the plan, in consultation with the Division of Communications of the Department of *Management General Services*, that describe the planning components, specify format, and specify the criteria upon which the plan will be reviewed and evaluated. The criteria shall evaluate whether the plan supports and furthers the policies and objectives of the department's functional plan required under s. 186.021 and the goals and policies of the State Strategic Plan for Information Resources Management approved by the commission; whether the plan makes effective and efficient use of technology in support of the department's information needs; and whether the plan is technically feasible. The instructions shall be transmitted to each department no later than February 1 of each even-numbered year.

(b) The commission shall review and approve or disapprove the plan of each department no later than August 1 of each even-numbered year. Upon approval, copies of the plan shall be forwarded to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. Copies of the communications components of each plan shall be provided to the Division of Communications of the Department of *Management General Services* for use in developing the State Implementation Plan for Communications Services required under s. 282.1021. When a plan is disapproved, the basis for disapproval shall be presented to the information resource manager in writing. If the reasons for disapproval cannot be resolved within 30 days after receiving the basis for disapproval, the information resource manager shall notify the commission in writing why the department is unable to resolve the problems identified. Within 15 days after receiving the manager's response, the commission shall notify the information resource manager, in writing, of what actions are necessary for approval of the plan.

(3) The approved plan shall be supplemented by the department to reflect major changes in the direction of a project which has a 2-year total

cost in excess of \$500,000. The approved plan may also be supplemented to reflect other changes which the department determines warrant a plan supplement. Supplements to the plan shall be submitted to the commission for approval. The commission may delegate to the executive administrator authority to approve supplements to plans. The commission shall establish criteria for such delegations of supplement approval authority. The commission shall forward a copy of the approved supplement to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General and, if the supplement affects communications components of the plan, to the Division of Communications of the Department of *Management General Services*.

Section 252. Subsection (3) of section 282.308, Florida Statutes, is amended to read:

282.308 State University System information resources management plan.—

(3) The president of each university or his designee shall serve as the information resource manager who is responsible for the preparation of the plan of the university and the Annual Performance Report required in s. 282.312; shall serve as a liaison with the information resource manager of the State University System and with the Division of Communications of the Department of *Management General Services*; and must approve all information resources management procurements of the university which have a purchase price in excess of the threshold amount for CATEGORY THREE purchases provided in s. 287.017.

Section 253. Section 282.309, Florida Statutes, is amended to read:

282.309 Judicial branch information resources management plans.—

(1) The Supreme Court, district courts of appeal, and circuit courts shall each prepare a Strategic Plan for Information Resources Management that reflects its projected 2-year information resources management needs. The format, content, and review criteria of the plans shall be prescribed by the Supreme Court. However, at a minimum, the plans shall address the planning components described in s. 282.307(1). The Supreme Court shall develop instructions, in consultation with the commission, the Division of Communications of the Department of *Management General Services*, the Executive Office of the Governor, and the appropriations committees of the Legislature, that describe the planning components, specify format, and specify the criteria upon which the plans will be reviewed and evaluated. These instructions shall be transmitted to each court no later than February 1 of each even-numbered year. The plans shall be submitted to the Supreme Court no later than May 1 of each even-numbered year. The Supreme Court shall review and approve or disapprove the plans of the courts no later than August 1 of each even-numbered year. A copy of each approved plan shall be provided to the commission, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. A copy of the communications components of each plan shall be provided to the Division of Communications of the Department of *Management General Services*.

(2) The Justice Administrative Commission, each state attorney, and each public defender shall prepare a Strategic Plan for Information Resources Management that reflects the projected 2-year information resources management needs of their respective offices. The format, content, and review criteria of the plan shall be prescribed by the Information Resource Commission. The plan shall comply with the requirements of s. 282.307. The Information Resource Commission shall transmit its instructions to the Justice Administrative Commission, each state attorney, and each public defender no later than February 1 of each even-numbered year. The plan shall be submitted to the Information Resource Commission no later than May 1 of each even-numbered year. Upon request, the Justice Administrative Commission may assist any state attorney or public defender in the preparation of his plan. The Information Resource Commission shall review and approve or disapprove each plan no later than August 1 of each even-numbered year. A copy of each approved plan shall be provided to the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, and the Auditor General. A copy of the communications components of each plan shall be provided to the Division of Communications of the Department of *Management General Services*.

Section 254. Section 282.311, Florida Statutes, is amended to read:

282.311 Information resource managers.—Each department executive director, secretary, or Cabinet officer; the executive director of the Justice Administrative Commission; and the state attorney and public defender for each judicial circuit, or their designees, shall serve as the information resource managers who are responsible for developing information resources management policies for their respective agencies in conformance with policies, standards, and rules established by the commission and shall coordinate all agency information resources management activities of their agencies. In addition, each information resource manager is responsible for the preparation of the Strategic Plan for Information Resources Management and the Annual Performance Report required in this chapter; shall serve as a liaison with the commission and the Division of Communications of the Department of *Management General Services*; and must approve all information resources management procurements of his agency which have a purchase price in excess of the threshold amount for CATEGORY THREE purchases provided in s. 287.017. The Chief Justice of the Supreme Court and the Chancellor of the Board of Regents or their designees shall serve as the managers for the state courts system and the State University System, respectively.

Section 255. Subsections (1) and (3) of section 282.314, Florida Statutes, are amended to read:

282.314 Information Resources Management Advisory Council.—

(1) There is created an Information Resources Management Advisory Council to advise the executive administrator of the Information Resource Commission and the director of the Division of Communications of the Department of *Management General Services* regarding any matter relating to information resources management.

(3) The council shall annually elect a chairman from among its members. The Information Resource Commission and the Department of *Management General Services* shall provide the necessary staff support to the council. The council shall meet at least quarterly, upon the call of the chairman.

Section 256. Paragraph (e) of subsection (3) of section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(3)

(e) The Department of *Management General Services* shall:

1. Adopt rules and regulations for the physical security of central computer rooms consistent with the standards developed under subparagraph 1. of paragraph (d).

2. In those instances in which it develops state contracts for use by all agencies, include appropriate security requirements, as established in paragraph (d), in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 257. Section 282.402, Florida Statutes, is amended to read:

282.402 Communications network.—There is created the Florida Growth Management Data Communications Network to be operated by the Division of Communications of the Department of *Management General Services*, under the direction of the Florida Growth Management Data Network Coordinating Council. The network shall provide for the transfer of data related to growth management among state-automated information systems. The Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Regulation, the Department of Health and Rehabilitative Services, the Department of Natural Resources, and the Department of Transportation shall participate in the communications network. Each participating agency shall remain the functional owner of the data it provides to the network, and shall be responsible for the validity and timeliness of its data. Any fiscal data transmitted on the network shall meet the data coding requirements established by the Florida Fiscal Accounting Management Information System under the authority provided in s. 215.93.

Section 258. Subsection (2) of section 282.403, Florida Statutes, is amended to read:

282.403 Coordinating council; creation; membership; duties.—

(2) The membership of the coordinating council shall consist of the Director of Planning and Budgeting within the Executive Office of the Governor, the Executive Director of the Game and Fresh Water Fish Commission, the Executive Director of the Department of Natural Resources, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Regulation, the Department of Health and Rehabilitative Services, and the Department of Transportation. The ~~Secretary Executive Director~~ of the Department of ~~Management General~~ Services and the Executive Administrator of the Information Resource Commission, or their designees, shall serve without voting rights as ex officio members on the coordinating council. The Director of Planning and Budgeting of the Executive Office of the Governor, or his designee, shall serve as chairman and shall provide administrative and clerical support to the council. The chairman may call a meeting of the coordinating council as often as necessary to transact business.

Section 259. Subsection (2) of section 283.30, Florida Statutes, is amended to read:

283.30 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(2) "Division" means the Division of Purchasing of the Department of ~~Management General~~ Services.

Section 260. Subsection (2) of section 284.01, Florida Statutes, is amended to read:

284.01 Florida Fire Insurance Trust Fund; coverages to be provided.—

(2) The fund shall insure all buildings, whether financed in whole or in part by revenue bonds or certificates, and the contents thereof or of any other buildings leased or rented by the state. For the purpose of this section, all manufactured homes and contents, whether permanently affixed to realty or otherwise, are included. Rental value insurance shall also be provided to indemnify the state or any of its agencies for loss of income when such rental income insurance is required to be carried by the terms of any bonding or revenue certificates or resolutions. Rental value insurance shall also be provided to indemnify the state or any of its agencies for loss of income from those buildings operated and maintained by the Department of ~~Management General~~ Services from the Supervision Trust Fund.

Section 261. Section 284.04, Florida Statutes, is amended to read:

284.04 Notice and information required by Department of Insurance of all newly erected or acquired state property subject to insurance.—The Department of ~~Management General~~ Services and all agencies in charge of state property shall notify the Department of Insurance of all newly erected or acquired property subject to coverage as soon as erected or acquired, giving its value, type of construction, location, whether inside or outside of corporate limits, occupancy, and any other information the Department of Insurance may require in connection with such property. Such department or agency shall also notify the Department of Insurance immediately of any change in value or occupancy of any property covered by the fund. Unless the above data is submitted in writing within a reasonable time following such erection, acquisition, or change, the Department of Insurance shall provide insurance coverage to the extent shown by the last notification in writing to the fund or in accordance with the last valuation shown by fund records. In case of disagreement between the Department of Insurance and the agency or person in charge of any covered state property as to its true value, the amount of the insurance to be carried thereon, the proper premium rate or rates, or amount of loss settlement, the matter in disagreement shall be determined by the Department of ~~Management General~~ Services.

Section 262. Section 284.05, Florida Statutes, is amended to read:

284.05 Inspection of insured state property.—The Department of Insurance shall inspect all permanent buildings insured by the Florida Fire Insurance Trust Fund, and whenever conditions are found to exist which, in the opinion of the Department of Insurance, are hazardous from the standpoint of destruction by fire or other loss, the Department of Insurance may order the same repaired or remedied, and the agency, board, or person in charge of such property is required to have such dangerous conditions immediately repaired or remedied upon written notice from the Department of Insurance of such hazardous conditions. Such

amounts as may be necessary to comply with such notice or notices shall be paid by the Department of ~~Management General~~ Services or by the agency, board, or person in charge of such property out of any moneys appropriated for the maintenance of the respective agency or for the repairs or permanent improvement of such properties or from any incidental or contingent funds they may have on hand. In the event of a disagreement between the Department of Insurance and the agency, board, or person having charge of such property as to the necessity of the repairs or remedies ordered, the matter in disagreement shall be determined by the Department of ~~Management General~~ Services.

Section 263. Section 284.08, Florida Statutes, is amended to read:

284.08 Reinsurance on excess coverage and approval by Department of ~~Management General~~ Services.—The Department of Insurance shall determine what excess coverage is necessary and may purchase reinsurance thereon upon approval by the Department of ~~Management General~~ Services.

Section 264. Section 284.385, Florida Statutes, is amended to read:

284.385 Reporting and handling of claims.—All departments covered by the Florida Casualty Insurance Risk Management Trust Fund under this part shall immediately report all known or potential claims to the Department of Insurance for handling, except employment complaints which have not been filed with the Florida Human Relations Commission, Equal Employment Opportunity Commission, or any similar agency. When deemed necessary, the Department of Insurance shall assign or reassign the claim to counsel. The assigned counsel shall report regularly to the Department of Insurance on the status of any such claims or litigation as required by the Department of Insurance. No such claim shall be compromised or settled for monetary compensation without the prior approval of the Department of Insurance. All departments shall cooperate with the Department of Insurance in its handling of claims. The Department of Insurance, the Department of ~~Management General~~ Services, and the Department of Banking and Finance, with the cooperation of the state attorneys and the clerks of the courts, shall develop a system to coordinate the exchange of information concerning claims for and against the state, its agencies, and its subdivisions, to assist in collection of amounts due to them. The covered department shall have the responsibility for the settlement of any claim for injunctive or affirmative relief under 42 U.S.C. s. 1983 or similar federal or state statutes. The payment of a settlement or judgment for any claim covered and reported under this part shall be made only from the Florida Casualty Insurance Risk Management Trust Fund.

Section 265. Subsection (1) of section 284.42, Florida Statutes, is amended to read:

284.42 Reports on state insurance program.—

(1) The Department of Insurance, with the Department of ~~Management General~~ Services, shall make an analysis of the state insurance program annually, which shall include:

(a) Complete underwriting information as to the nature of the risks accepted for self-insurance and those risks that are transferred to the insurance market.

(b) The funds allocated to the Florida Casualty Risk Management Trust Fund and premiums paid for insurance through the market.

(c) The method of handling legal matters and the cost allocated.

(d) The method and cost of handling inspection and engineering of risks.

(e) The cost of risk management service purchased.

(f) The cost of managing the State Insurance Program by the Department of Insurance and the Department of ~~Management General~~ Services.

Section 266. Section 285.06, Florida Statutes, is amended to read:

285.06 State Indian Reservation.—When, as the result of the exchanges provided for in ss. 285.04 and 285.05, there shall have been established a reservation for the Indians by the United States in Florida, the State Seminole Indian Reservation in Monroe County, created by chapter 7310, Acts of 1917, shall be withdrawn and returned to the board of trustees; and thereupon the Board of Trustees of the Internal Improvement Trust Fund shall set aside a tract of land of approximately equal size and of suitable character, adjacently located, as nearly as may be, to

the reservation to be established by the United States; and said lands, when so set aside, shall constitute the State Indian Reservation and shall be held in trust by the Department of *Management General Services* for the perpetual benefit of the Indians and as a reservation for them.

Section 267. Subsection (4) of section 285.14, Florida Statutes, is amended to read:

285.14 Board of Trustees of the Internal Improvement Trust Fund as trustee to accept donations of and acquire property for Indians.—

(4) The Department of *Management General Services*, the State Board of Education, and any other state board or agency having title to lands or having lands under their jurisdiction, management, or control, may in their discretion convey and transfer to the board of trustees the title to any of said lands in trust for the use and benefit of said Indians.

Section 268. Subsection (8) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(8) "Division" means the Division of Purchasing of the Department of *Management General Services*.

Section 269. Subsection (4) of section 287.025, Florida Statutes, is amended to read:

287.025 Prohibition against certain insurance coverage on specified state property or insurable subjects.—

(4) No primary insurance contracts shall be purchased on any property or insurable subjects when the same is loaned to, leased by, or intended to be leased by, the state or its departments, divisions, bureaus, commissions, or agencies unless such coverage is required by the terms of the lease agreement and unless the insurance coverages required by the provisions of the lease are approved in writing by the Department of *Management General Services*.

Section 270. Section 287.032, Florida Statutes, is amended to read:

287.032 Purpose of division.—It shall be the purpose of the Division of Purchasing:

(1) To promote efficiency, economy, and the conservation of energy and to effect coordination in the purchase of commodities for the state; and

(2) To provide uniform contractual service procurement policies, rules, procedures, and forms for use by the various agencies in procuring contractual services.

(3) *To procure and distribute state-owned surplus tangible personal property and federal surplus tangible personal property allocated to the state by the Federal Government.*

Section 271. Paragraph (f) of subsection (4) and subsection (13) of section 287.042, Florida Statutes, are amended and subsection (16) is added to that section, to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(4) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(f)1. Development of procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those construction contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2). However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, "minority business enterprise" means any business concern which is organized to engage in commercial transactions, which is domiciled in this state, and which is at least 51 percent controlled by minority persons and the management and daily operations of which are controlled by such persons. "Minority person" has the same meaning as in s. 288.703(3). In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the division shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1995.

3. In determining the base amounts for assessing compliance with this paragraph, the Minority Business Enterprise Assistance Office within the Department of *Management General Services* shall develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Minority Business Enterprise Assistance Office, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

(13) Except as otherwise provided herein, to adopt rules necessary to carry out the purposes of this section, including the authority to delegate to any state agency any and all of the responsibility conferred by this section, retaining to the division any and all authority for supervision thereof. Such purchasing of commodities and procurement of contractual services by state agencies shall be in strict accordance with the rules and procedures prescribed by the Department of *Management General Services*.

(16) *To procure and distribute state-owned surplus tangible personal property and federal surplus tangible personal property allocated to the state by the Federal Government.*

Section 272. Subsections (7) and (8) of section 287.055, Florida Statutes, are amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; definitions; procedures; contingent fees prohibited; penalties.—

(7) **AUTHORITY OF DEPARTMENT OF MANAGEMENT GENERAL SERVICES.**—Notwithstanding any other provision of this section, the Department of *Management General Services*, Division of Building Construction and *Facilities Management*, shall be the agency of state government which is solely and exclusively authorized and empowered to administer and perform the functions described in subsections (3), (4), and (5) respecting all projects for which the funds necessary to complete same are appropriated to the Department of *Management General Services*, irrespective of whether such projects are intended for the use and benefit of the Department of *Management General Services* or any other agency of government. However, nothing herein shall be construed to be in derogation of any authority conferred on the Department of *Management General Services* by other express provisions of law. Additionally, any agency of government may, with the approval of the Department of *Management General Services*, delegate to the Department of *Management General Services* authority to administer and perform the functions described in subsections (3), (4), and (5). Under the terms of the delegation, the agency may reserve its right to accept or reject a proposed contract.

(8) **STATE ASSISTANCE TO LOCAL AGENCIES.**—On any professional service contract for which the fee is over \$25,000, the Department of Transportation or the Department of *Management General Services* shall provide, upon request by a municipality, political subdivision, school board, or school district, and upon reimbursement of the costs involved, assistance in selecting consultants and in negotiating consultant contracts.

Section 273. Paragraphs (a) and (d) of subsection (3) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

(3) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids or competitive sealed proposals unless:

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relating to the emergency action to the division. A copy of the statement shall be furnished to the Comptroller with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the division of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the Department of *Management General Services*.

(d) When it is in the best interest of the state, the Department of *Management General Services* may authorize the director of the division to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

Section 274. Section 287.0572, Florida Statutes, is amended to read:

287.0572 Present-value methodology.—

(1) The cost of bids or proposals for state contracts which require the payment of money for more than 1 year and include provisions for unequal payment streams or unequal time payment periods shall be evaluated using present-value methodology. Each agency, as defined in s. 287.012(1), shall perform the evaluation using the present-value discount rate supplied by the Department of *Management General Services*. The present-value discount rate shall be the rate for United States Treasury notes and bonds published in the Interest Rates: Money and Capital Markets section of the most recent copy of the Federal Reserve Bulletin published at the time of issuance of the request for proposals or the invitations to bid.

(2) The Department of *Management General Services* may adopt rules to implement the provisions of subsection (1).

Section 275. Subsection (2) of section 287.0595, Florida Statutes, is amended to read:

287.0595 Pollution response action contracts; department rules.—

(2) In ~~adopting~~ ~~promulgating~~ rules under this section, the department shall follow the criteria applicable to the Department of *Management General Services* contracting to the maximum extent possible, consistent with the goals and purposes of ss. 376.307, 376.3071, and 403.165.

Section 276. Subsections (1) and (8) of section 287.064, Florida Statutes, are amended to read:

287.064 Consolidated financing of deferred-payment purchases.—

(1) The Division of Bond Finance of the ~~State Board Department of Administration General Services~~ and the Comptroller shall plan and coordinate deferred-payment purchases made by or on behalf of the state

or its agencies or by or on behalf of state community colleges participating under this section pursuant to s. 240.319(3)(p). The Division of Bond Finance shall negotiate and the Comptroller shall execute agreements and contracts to establish master equipment financing agreements for consolidated financing of deferred-payment, installment sale, or lease purchases with a financial institution or a consortium of financial institutions. As used in this act, the term "deferred-payment" includes installment sale and lease-purchase.

(a) The period during which equipment may be acquired under any one master equipment financing agreement shall be limited to not more than 3 years.

(b) Repayment of the whole or a part of the funds drawn pursuant to the master equipment financing agreement may continue beyond the period established pursuant to paragraph (a).

(c) The interest rate component of any master equipment financing agreement shall be deemed to comply with the interest rate limitation imposed in s. 287.063 so long as the interest rate component of every interagency or community college agreement entered into under such master equipment financing agreement complies with the interest rate limitation imposed in s. 287.063. Such interest rate limitation does not apply when the payment obligation under the master equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Comptroller.

(8) The ~~State Board Department of Administration General Services~~ and the Comptroller, individually, shall adopt rules to implement their respective responsibilities under this section.

Section 277. Paragraphs (a) and (c) of subsection (5) and subsection (8) of section 287.073, Florida Statutes, are amended to read:

287.073 Procurement of information technology resources.—

(5)(a) There is created within the Department of *Management General Services* the Information Technology Resource Procurement Advisory Council to function on a continuing basis. The council shall review and make recommendations to the agencies regarding agency single-source certification requests for information technology resources which have a 2-year total cost in excess of \$500,000. Continuation of annual hardware or software maintenance or software licensing agreements are exempt from review by the council unless required by the division. The review shall be made prior to the request being filed with the division. The council shall also review and recommend to the agencies modifications regarding agency invitations to bid or requests for proposals for information technology resources which have a 2-year total cost in excess of \$1 million. The review shall be made prior to the issuance of the invitation to bid or the request for proposals. When specifications have been modified through discussions with qualified offerors, the council shall review the modifications prior to the submittal date stated in the request for proposals. Except for emergency purchases under s. 287.057, the council shall also review and make recommendations regarding agency acquisitions by any other method of acquiring information technology resources which have a 2-year total cost in excess of \$500,000. The review shall be made prior to acquisition. The acquisition of a system that collectively includes data processing hardware, software, and services shall not be divided to avoid the requirements of this subsection.

(c) The council shall be composed of the director of the Division of Purchasing of the Department of *Management General Services*, the executive administrator of the Information Resource Commission, and the director of the office of planning and budgeting of the Executive Office of the Governor, or their designees. The information resource manager of the agency which is acquiring the information technology resource, or his designee, shall serve as an ex officio member on the council without voting rights. The director of the Division of Purchasing shall serve as chairman and shall provide clerical and staff support to the council. The chairman shall call a meeting of the council as often as necessary to transact business. All actions of the council shall be based on a simple majority. A copy of the council's written recommendations to an agency shall be provided to the Governor and Cabinet.

(8) The ~~Secretary Governor and Cabinet, as head of the Department of Management General Services~~, shall approve or disapprove the award of all agency information technology resources procurements which are reviewed by the council pursuant to this section.

Section 278. Section 287.0834, Florida Statutes, is amended to read:

287.0834 Motor vehicles; energy-saving equipment and additives.— Each motor vehicle purchased by the state and each motor vehicle leased by the state for a period in excess of 1 year shall use devices, equipment, and additives that have been certified as energy-saving and approved for use by the United States Environmental Protection Agency and that have been determined to be cost-effective by the Department of *Management General Services*.

Section 279. Subsections (1), (9), and (12) of section 287.0943, Florida Statutes, are amended to read:

287.0943 Certification of minority business enterprises.—

(1) The Department of *Management General Services* shall certify minority business enterprises, as defined in s. 288.703, and shall recertify such minority business enterprises not less than once each year. Minority business enterprises must be recertified annually by affidavit. The Minority Business Enterprise Office shall perform random, onsite reviews of recertified minority business enterprises to determine whether the applicants are meeting all certification requirements. All certified minority business enterprises must be currently performing a useful business function. A "useful business function" is defined as one which results in the provision of materials, supplies, equipment, or services to customers other than state government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. Upon certification of a minority business enterprise, the department shall notify the certified minority business enterprise in writing of obligations provided in subsection (7).

(9) The Department of *Management General Services* may revoke the certification or recertification of a business as a minority business enterprise if the minority business enterprise does not meet the requirements of s. 288.703, s. 287.0943(1), and any rule of the Department of *Management General Services* or if the certification or recertification was obtained by means of falsely representing any entity as a minority business enterprise for purposes of qualifying for certification or recertification.

(12) Local governments must accept minority business enterprises that are certified by the Department of *Management General Services* as fully certified for their respective minority business enterprise programs when such minority business enterprises fall within one of the racial or gender classifications established by the respective local governmental unit. Local governments may not revoke certification of any minority business enterprise from the local government minority business enterprise program which has been certified by the department, unless notice of the revocation is given to the department contemporaneously with notice of the revocation to the minority business enterprise.

Section 280. Paragraph (i) of subsection (3) of section 287.0945, Florida Statutes, is amended to read:

287.0945 Minority Business Enterprise Assistance Office; powers, duties, and functions.—

(3) The Minority Business Enterprise Assistance Office shall have the following powers, duties, and functions:

(i) To refer all information on businesses suspected of misrepresenting minority status to the Department of *Management General Services* for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of *Management General Services* shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

Section 281. Paragraph (d) of subsection (1) of section 287.133, Florida Statutes, is amended to read:

287.133 Public entity crime; denial or revocation of the right to transact business with public entities.—

(1) As used in this section:

(d) "Department" means the Department of *Management General Services*.

Section 282. Section 287.15, Florida Statutes, is amended to read:

287.15 Purchase or lease of motor vehicles, watercraft, or aircraft; prior approval of Division of Motor Pool of the Department of *Management General Services*.—No state agency shall purchase, lease, or acquire any motor vehicle, watercraft, or aircraft of any type unless prior approval is first obtained from the Division of Motor Pool of the Department of *Management General Services*. However, nothing herein shall prohibit the lease for casual use of motor vehicles, or remove the requirement that all purchases be in compliance with the rules and regulations of the Division of Purchasing.

Section 283. Subsection (2) of section 287.151, Florida Statutes, is amended to read:

287.151 Limitation on classes of motor vehicles procured.—

(2) No funds in the General Appropriations Act shall be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Division of Purchasing of the Department of *Management General Services*.

Section 284. Subsection (1) of section 287.155, Florida Statutes, is amended to read:

287.155 Motor vehicles; purchase by Division of Universities, Department of Health and Rehabilitative Services, and Department of Corrections.—

(1) The Division of Universities of the Department of Education, the Department of Health and Rehabilitative Services, and the Department of Corrections are hereby authorized, subject to the approval of the Department of *Management General Services*, to purchase automobiles, trucks, tractors, and other automotive equipment for the use of institutions under the management of said Division of Universities, Department of Health and Rehabilitative Services, and Department of Corrections.

Section 285. Subsection (3) of section 287.16, Florida Statutes, is amended to read:

287.16 Powers and duties of division.—The Division of Motor Pool shall have the following powers, duties, and responsibilities:

(3) In its discretion, to require every state agency to transfer its ownership, custody, and control of every aircraft and motor vehicle, and associated maintenance facilities and equipment, except those used principally for law enforcement or fire control purposes, to the Department of *Management General Services*, including all right, title, interest, and equity therein.

Section 286. Section 288.13, Florida Statutes, is amended to read:

288.13 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is hereby given any county, municipality, drainage district, road or bridge district, school district or any other political subdivision, board or commission in the state to make and enter into with the Division of Bond Finance of the *State Board Department of Administration General Services*, contracts and leases, within the provisions and purposes of this chapter. The division is hereby expressly authorized to make agreements with and enter into any and all contracts with any political subdivisions of the state.

Section 287. Section 288.14, Florida Statutes, is amended to read:

288.14 Board of Trustees of Internal Improvement Trust Fund may cooperate.—The Board of Trustees of the Internal Improvement Trust Fund may convey and grant to the Division of Bond Finance of the *State Board Department of Administration General Services*, and enter into agreements permitting the use and occupation by the division, with or without compensation, of land under its control and not in use for state purposes, including swamps, overflowed lands, bottoms of streams, lakes, rivers, bays, and other waters of the state, and the riparian rights thereto appertaining, as, in the judgment of said board may be reasonably necessary in carrying out the provisions of this chapter.

Section 288. Section 288.15, Florida Statutes, is amended to read:

288.15 Powers of Division of Bond Finance.—There is hereby granted to and vested in the Division of Bond Finance of the *State Board Department of Administration General Services* the power, right, franchise, and authority:

(1) To take, exclusively occupy, use, and possess rights-of-way for any projects, enterprises, or undertakings of the division, over and across state-owned lands not otherwise in use for state purposes.



(2)(a) The division is hereby authorized and empowered to exercise the power of eminent domain and may condemn for the use of the division any and all lands, easements, rights-of-way, riparian rights, property, and property rights of every description required in carrying out the objects and purposes of this chapter.

(b) The proceedings for condemnation hereunder may be instituted and conducted in the name of the division, and the procedure shall be the same as is prescribed by chapter 73.

(3) To own and to acquire by donation, purchase, or otherwise, real and personal property, tangible and intangible, and to lease, sell, alienate, and dispose of the same or any part or parts thereof in carrying out the objects and purposes of this chapter.

(4) To subscribe for, purchase, acquire, own, sell, or otherwise dispose of bonds and obligations of municipalities and political subdivisions of the state, needful or incident to carrying out the objects and purposes of this chapter, and exercise all the rights, powers, and privileges incident to ownership thereof.

(5) In order to carry out the objectives and purposes of this chapter, the division is authorized to acquire, own, construct, operate, maintain, improve, and extend public buildings, facilities, or works within the state which are of the character hereinafter specifically mentioned. All public buildings, facilities, and works which the division is authorized to own, construct, operate, and maintain must be such as can ultimately be owned and operated by an agency, department, board, bureau, or commission of the state. All or any such buildings, facilities, or works may be of a revenue-producing character in order that the cost of the same or some part of improvements or extensions thereto may be paid from receipts therefrom, including in Tallahassee only rentals, leases, and sales to both public and nonpublic agencies through the issue and sales or disposition of revenue bonds, notes, or certificates of the division. The buildings, facilities, and works which the division is hereby authorized to acquire, construct, operate, maintain, improve, and extend are:

(a) Toll bridges or tunnels, and toll roads wherever the same are connected with or form a part of the state system of public roads. The location and construction of same shall first be approved by the Department of Transportation.

(b) To accept as a gift or grant or to purchase or lease from the Federal Government any personal property or any real property, fixtures, or appurtenances thereto, located in the state, payment for which can be made from the revenues derived therefrom, which will be used in the development of the agriculture, forest and reforestation of the state or such property as will provide recreation for the public and citizens of the state.

(c) It is expressly declared that the Division of Bond Finance shall not be authorized:

1. Except as is provided in s. 288.13, to acquire, own, or construct any buildings, facilities, or works which are to be maintained and operated solely for municipal or local purpose; and

2. To so accept, purchase, or lease from the Federal Government any property or business ordinarily owned and operated by private business; provided, however, this provision does not prohibit or limit such purchase, acceptance of gift, or lease of surplus property to be used for non-competitive government purposes.

(d) Public buildings, facilities, and additions or improvements to existing buildings and facilities for ultimate use in connection with any of the several state institutions, departments, bureaus, boards, or commissions; and, in furtherance of this paragraph, the Division of Building Construction and Facilities Management of the Department of Management General Services, the Division of Facilities Management of the Department of General Services, and the State Board of Education are authorized to cooperate with the Division of Bond Finance and to do and perform all acts and things necessary thereto. Any property acquired by the Division of Bond Finance under the provisions of this chapter may ultimately be conveyed to the state free and clear of all debt or other encumbrance.

(e) The Division of Bond Finance is hereby authorized to collect reasonable rentals, tolls, or charges for the use of public buildings, facilities, or works constructed, acquired, or owned by it and for the products and services of the same exclusively for the purpose of paying the expenses of improving, repairing, maintaining, and operating its facilities and proper-

ties and paying the principal and interest on its obligations. The division is authorized by reasonable regulations to prescribe for the use of buildings, facilities, works, or projects owned and operated by it, the amount of rentals, tolls, or charges and may make and enter into contracts with any municipality, district, county or other political subdivision, board, commission, agency, or department of the state for the use of such projects or sale of the products or services thereof; provided, that the receipts from any project shall not be expended on any other project except as provided in subsection (8).

(f) However, the provisions of this chapter shall not be construed to authorize the construction, acquisition, ownership, or operation by the division of any project other than the class of projects referred to in this subsection.

(6) To secure, assemble, study, map, plat, and chart any and all data which may pertain to the governance, rehabilitation, welfare, health, transportation, commerce, marketing, finance, business, population, land use, sanitation, waterways, mineral resources, parks, wildlife, public buildings and property, and the laws relating to social, economic, or conservation matters of the state, its political subdivisions, and its people for the purpose of advising and assisting, proposing, and recommending to state administrative officers, the state Legislature, and the people of the state plans for the future development, welfare, and governance of the state, in order that the state's plan of development may be coordinated, its economic resources be conserved, and the welfare of its people be promoted.

(7) It is expressly provided:

(a) That nothing in this chapter shall be construed as vesting in the Division of Bond Finance the power, right, or privilege to engage in private enterprise or business for profit; and

(b) That nothing in this chapter shall authorize the purchase, condemnation, or other acquisition by the division of the properties or securities of privately owned utilities or any part of same.

(8) The division is hereby authorized and directed to proceed with the acquisition of land and buildings thereon now needed or to be needed for use in whole or in part by any agency, board, bureau, or commission of the state, such acquisition to be within the area defined by the Division of Building Construction and Facilities Management of the Department of Management General Services for the long-range development of the proposed Capitol Center; and

(a) To construct, acquire, own, and operate buildings and facilities thereon, such buildings and facilities to be financed by the revenue they yield, through the issuance of revenue certificates;

(b) To have specific authority in financing the acquisition, construction, and operation of such buildings and facilities, to utilize rentals to both public and nonpublic agencies as well as any regularly appropriated state or other public funds; however, no revenue from lands, buildings, or facilities now owned by the state may be pledged to finance the acquisition of land, buildings, or facilities pursuant to the provisions of this law, except revenue from land, buildings, or facilities purchased or acquired pursuant to the provisions of this law.

(9) Subsections (5) and (8) shall be liberally construed to effectuate the objectives and purposes thereof and the public policy of the state as hereby declared.

Section 289. Section 288.17, Florida Statutes, is amended to read:

288.17 Revenue certificates.—The Division of Bond Finance of the ~~State Board Department of Administration General Services~~ is authorized to issue interest-bearing revenue certificates for construction of all state buildings approved by the Legislature in its appropriation acts and requested by the Department of Management General Services or by the Board of Regents.

Section 290. Subsections (1) and (3) of section 288.18, Florida Statutes, are amended to read:

288.18 Planning, promoting, and supervising state building projects.—

(1) The Division of Building Construction and Facilities Management of the Department of Management General Services shall be responsible for promoting any state building project financed as provided by law in any community where a state building is needed.

(3) Any state agency required to occupy space by the Division of *Building Construction and Facilities Management* of the Department of *Management General Services* may contract for such space and pledge such rentals as are provided and appropriated by the Legislature for the purpose of financing the retirement of revenue certificates for the life-time of any issue.

Section 291. Subsection (1) of section 288.23, Florida Statutes, is amended to read:

288.23 Division authorized to acquire roads and bridges.—

(1) The Division of Bond Finance of the *State Board Department of Administration General Services* is authorized and empowered, upon the application of any county or counties evidenced by resolution of the board or boards of county commissioners thereof, to acquire by purchase, gift, or eminent domain and/or to construct within such county or counties so making application therefor, any road or bridge, including the acquisition of necessary rights-of-way therefor, connecting state highways within such county or counties; provided, however, in the event the said division shall determine, agree, or contract to build or construct any road or bridge under the provisions hereof then it shall so advise the Department of Transportation of such determination, agreement, or contract and shall give the Department of Transportation complete copies of all documents, agreements, resolutions, contracts, and instruments relating to such matter and shall request the Department of Transportation to do such construction work including the acquisition of necessary rights-of-way, planning, surveying, and actual construction of such project and shall also transfer to the credit of the Department of Transportation in the Treasury of the state the funds hereinafter provided for such projects and the Department of Transportation shall thereupon be authorized, empowered, and directed to proceed with such construction, including the acquisition of necessary rights-of-way, and to use the said funds for such work, and no other work, in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of roads and bridges.

Section 292. Subsection (1) of section 288.24, Florida Statutes, is amended to read:

288.24 Division authorized to acquire ferries and toll ferries.—

(1) The Division of Bond Finance of the *State Board Department of Administration General Services* is authorized:

- (a) To acquire, own, maintain, and operate ferries and toll ferries wherever the same are connected with or form a part of or are auxiliary to the state system of public roads.
- (b) To fix and collect reasonable rentals, tolls, or charges for the use of any ferries operated by or under agreement with the said division.
- (c) To enter into a contract or contracts with the Department of Transportation for the acquisition, maintenance, or operation of any such ferry or ferries.

Section 293. Section 288.28, Florida Statutes, is amended to read:

288.28 Department of Transportation authorized to purchase certain roads and bridges.—The Department of Transportation is hereby authorized and empowered to lease or purchase from the Division of Bond Finance of the *State Board Department of Administration General Services* such roads or bridges as may have been acquired or constructed under the provisions of s. 288.23 and to pay either the rental or the purchase price from the surplus gasoline taxes which may, in the future, accrue to the credit of the county or counties in which the road or bridge is located, under the provisions of s. 9, Art. XII of the State Constitution.

Section 294. Subsection (1) of section 288.281, Florida Statutes, is amended to read:

288.281 Financing construction or acquisition of roads and bridges; additional method.—

(1) Upon request of any county, any road or bridge district, or any authority, evidenced by a resolution duly adopted by the governing body thereof, the Division of Bond Finance of the *State Board Department of Administration General Services* is authorized and empowered to issue and sell interest-bearing bonds, notes, or certificates in its own name for and on behalf of said county, road or bridge district, or authority, for the purpose of financing the construction of roads or bridges within the county, district, or authority, or the acquisition of rights-of-way for such

roads. The governing body of the county, district, or authority may request in said resolution that the division construct or acquire said project by and through its statutory agent, the Department of Transportation.

Section 295. Subsection (1) of section 288.31, Florida Statutes, is amended to read:

288.31 Armories; financing construction authorized.—

(1) The Division of Bond Finance of the *State Board Department of Administration General Services* shall have the power to borrow money and incur obligations by way of bonds, notes, or revenue certificates and issue such obligations for the purpose of financing, either in whole or in part, the construction of armories in such counties and municipalities as designated by the State Armory Board. The authority hereby conferred shall empower the said division to issue such certificates or bonds for the financing of the share or portion of the cost to be borne by a county or municipality when required by the provisions of a grant of funds from the state or the Federal Government or any other source, or to authorize the borrowing and issuing of obligations for financing such an armory in its entirety. Bonds, notes, or certificates issued hereunder shall be issued in conformity to all the provisions of chapter 215, and the division shall be empowered to fix the rentals or charges to be collected for the purpose of the retirement or purchase of said obligations. The division and the county or municipality shall be empowered to enter into such lease, or leases, as may be necessary to ensure the providing of sufficient funds to retire such obligations and when the said obligations shall have been fully paid, the armory shall be conveyed to the state. Leases with the county or municipality under the terms of this section shall provide for the control of the building and its use to be vested in the military commander representing the Armory Board in accordance with the provisions of s. 250.41.

Section 296. Subsection (1) of section 288.33, Florida Statutes, is amended to read:

288.33 School buildings; financing construction authorized.—

(1) Upon the request of the school board of any district with the approval of the State Board of Education evidenced by a resolution duly adopted by the governing body of each of such boards, the Division of Bond Finance of the *State Board Department of Administration General Services* is authorized and empowered to issue and sell interest-bearing revenue bonds, notes, or certificates in its own name for the purpose of constructing, within the county, school buildings or additions thereto for rent, lease, or purchase by the school board of the district. The Division of Bond Finance may, by contract, make the school board its agent for the acquisition or construction of such school buildings, classrooms, or facilities.

Section 297. Paragraph (d) of subsection (3) and subsection (4) of section 288.703, Florida Statutes, are amended to read:

288.703 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(3) "Minority person" means a lawful, permanent resident of Florida who is:

(d) A native American, a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of *Management General Services*.

(4) "Certified minority business enterprise" means a business which has been certified by the Department of *Management General Services* to be a minority business enterprise.

Section 298. Paragraph (d) of subsection (7) of section 288.704, Florida Statutes, is amended to read:

288.704 Small and Minority Business Advisory Council.—

(7) The council shall:

(d) Advise the Department of *Management General Services* and the Department of Commerce with respect to problems of, and matters affecting, small and minority business.

Section 299. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System, a Type I center of the State University System funded as provided in Pub. L. No. 96-302, as amended, with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall compile and distribute such information to Florida small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the Department of *Management General Services*, the Department of Commerce, and the Small and Minority Business Advisory Council on utilization of the statewide contracts register. Such report shall include, but not be limited to, information relating to:

- (1) The total number of solicitations received from state agencies during the calendar year.
- (2) The number of solicitations received from each state agency during the calendar year.
- (3) The method of distributing solicitation information to those businesses requesting such service.
- (4) The total number of businesses *using* ~~utilizing~~ the service.
- (5) The percentage of businesses *using* ~~utilizing~~ the service which are owned and controlled by minorities.

Section 300. Section 320.0802, Florida Statutes, is amended to read:

320.0802 Surcharge on license tax.—During the period January 1, 1989, through December 31, 2003, there is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of \$1, which shall be collected in the same manner as the license tax and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of *Management General Services*.

Section 301. Subsection (6) of section 327.25, Florida Statutes, is amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(6) SURCHARGE.—In addition, during the period January 1, 1989, through December 31, 2003, there is hereby levied and imposed on each vessel registration fee imposed under subsection (1) a surcharge in the amount of \$1, which shall be collected in the same manner as the fee and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of *Management General Services*.

Section 302. Paragraph (e) of subsection (1) of section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)

(e) Local governments may use the services of the Division of Bond Finance of the *State Board Department of Administration General Services* pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from the local option gas tax to secure the payment of the bonds. In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

Section 303. Subsections (1) and (2) of section 337.02, Florida Statutes, are amended to read:

337.02 Purchases by department subject to competitive bids; advertisement; emergency purchases; bid specifications.—

(1) Except as provided herein, purchase by the Department of Transportation of commodities, including the advertising and awarding of competitive bids, shall be governed by chapters 283 and 287 and rules adopted by the Department of *Management General Services* pursuant thereto. However, the provisions of s. 287.057 notwithstanding, the department may purchase parts and repairs valued at \$5,000 or less with-

out receiving competitive bids for the repair of mobile road maintenance equipment, marine vessels, permanent vehicle scales, and mechanical and electrical equipment for movable bridges, toll facilities including the Florida Turnpike, treatment plants for water and sewage, and major heating and cooling systems.

(2) If the department determines that an emergency exists in regard to the purchase of materials, machinery, tools, equipment, or supplies, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, the provisions for competitive bidding do not apply; and the department may authorize or purchase such materials, machinery, tools, equipment, or supplies without giving opportunity for competitive bidding thereon. The department shall, within 10 days after such determination and purchase, file with the head of the Department of *Management General Services* a written statement of the materials, machinery, tools, equipment, or supplies purchased and a certificate as to the conditions and circumstances constituting such emergency.

Section 304. Subsection (3) of section 337.276, Florida Statutes, is amended to read:

337.276 Advanced acquisition of right-of-way.—

(3) The Division of Bond Finance of the *State Board Department of Administration General Services* is authorized, in accordance with s. 215.605, to issue state bonds in an amount not to exceed a total of \$500 million on behalf of the department to finance right-of-way land acquisition for facilities that are not revenue-producing. The proceeds from the sale of these bonds shall be allocated by the department only to fund advanced right-of-way projects identified pursuant to the programs contained in subsection (2). No more than \$300 million of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(a), and no more than \$200 million of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(b).

Section 305. Subsection (4) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(4) The Department of Transportation and the Department of *Management General Services* shall create and implement an outreach program designed to enhance the participation of minority persons and minority business enterprises in all contracts entered into by their respective departments for services related to the financing of department projects for the Florida Intrastate Highway System Plan. These services shall include, but not be limited to, bond counsel and bond underwriters.

Section 306. Subsection (1) of section 341.101, Florida Statutes, is amended to read:

341.101 State purchase of mass transit vehicles and facilities.—

(1) The Division of Bond Finance of the *State Board Department of Administration General Services* is authorized to acquire, finance, lease, or sell, and the department is authorized to lease or purchase, mass transit vehicles and facilities pursuant to ss. 288.23-288.30 and ss. 215.57-215.83.

Section 307. Subsections (9) and (15) of section 341.322, Florida Statutes, are amended to read:

341.322 Definitions of terms used in ss. 341.321-341.386.—As used in this act, the term:

(9) "Bond" means any instrument of indebtedness, whether secured or unsecured, or any revenue bond, note, or other obligation issued on behalf of the commission or on behalf of the Department of Transportation under this act by the division of ~~Bond Finance of the Department of General Services~~.

(15) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 308. Section 344.17, Florida Statutes, is amended to read:

344.17 Depositories and investments.—All moneys received by the treasurer of the State Board of Administration, a body corporate under s. 9, Art. XII of the State Constitution, shall be deposited by him in a sol-

vent bank or banks, to be approved and accepted for such purposes by the board. In making such deposits, he shall follow the method for the deposit of state funds. Each bank receiving any portion of such funds shall be required to deposit with such treasurer satisfactory bonds or treasury certificates of the United States; bonds of the several states; special tax school district bonds; bonds of any municipality eligible to secure state deposits as provided by law; bonds of any county or special road and bridge district of this state entitled to participate under the provisions of s. 16, Art. IX of the Constitution of 1885, as adopted by the 1968 revised constitution, and of s. 9, Art. XII of that revision; bonds issued under the provisions of s. 18, Art. XII, of the Constitution of 1885, as adopted by s. 9, Art. XII of the 1968 revised constitution; or bonds, notes, or certificates issued by the Florida State Improvement Commission or its successors, the Florida Development Commission and the Division of Bond Finance of the *State Board Department of Administration General Services*, which contain a pledge of the 80-percent surplus 2-cent constitutional gasoline tax accruing under s. 16, Art. IX of the Constitution of 1885, as adopted by the 1968 revised constitution, and under s. 9, Art. XII of that revision, which shall be equal to the amount deposited with such bank. Such security shall be in the possession of such treasurer; or the treasurer is authorized to accept, in lieu of the actual depositing with him of such security, trust or safekeeping receipts issued by any Federal Reserve Bank, or member bank thereof, or by any bank incorporated under the laws of the United States; provided the member bank or bank incorporated under the laws of the United States has been previously approved and accepted for such purposes by the State Board of Administration and the trust or safekeeping receipts are in substantially the same form as that which the State Treasurer is authorized to accept in lieu of securities given to cover deposits of state funds.

Section 309. Subsection (6) of section 348.0002, Florida Statutes, is amended to read:

348.0002 Definitions.—As used in the Florida Expressway Authority Act, the term:

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 310. Subsection (9) of section 348.241, Florida Statutes, is amended to read:

348.241 Definitions.—As used in this part, unless the context clearly indicates otherwise:

(9) The term "division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 311. Subsection (4) of section 348.52, Florida Statutes, is amended to read:

348.52 Tampa-Hillsborough County Expressway Authority.—

(4) The authority may employ a secretary and executive director, its own counsel and legal staff, and such legal, financial, and other professional consultants, technical experts, engineers, and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation of such persons, firms, or corporations. The authority may contract with the Division of Bond Finance of the *State Board Department of Administration General Services* for any financial services authorized herein.

Section 312. Paragraph (b) of subsection (1) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(1)

(b) Said bonds shall be sold at public sale in the manner provided by the State Bond Act. However, if the authority shall, by official action at a public meeting, determine that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the *State Board Department of Administration General Services*. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

Section 313. Subsection (2) of section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to said State Board of Administration, said Department of Transportation, or the Division of Bond Finance of the *State Board Department of Administration General Services*, but shall be deemed to and shall supersede such other law or laws as are inconsistent with the provisions of this part.

Section 314. Subsection (2) of section 348.94, Florida Statutes, is amended to read:

348.94 This part complete and additional authority.—

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the *State Board Department of Administration General Services*, but shall be deemed to, and shall, supersede such other law or laws as are inconsistent with the provisions of this part.

Section 315. Subsection (6) of section 348.941, Florida Statutes, is amended to read:

348.941 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 316. Subsection (2) of section 348.963, Florida Statutes, is amended to read:

348.963 This part complete and additional authority.—

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the *State Board Department of Administration General Services*, but shall be deemed to supersede such other law or laws as are inconsistent with the provisions of this part.

Section 317. Subsection (6) of section 348.966, Florida Statutes, is amended to read:

348.966 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(6) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 318. Paragraph (b) of subsection (1) of section 349.05, Florida Statutes, is amended to read:

349.05 Bonds of the authority.—

(1)

(b) Such bonds must be sold at public sale in the manner provided by the State Bond Act. However, if the authority, by official action at a public meeting, determines that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the *State Board Department of Administration General Services*. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

Section 319. Paragraphs (a) and (b) of subsection (3) of section 365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number "911."—

(3) DEFINITIONS.—As used in this section:

(a) "Department" means the Department of *Management General Services*.

(b) "Division" means the Division of Communications of the department of *General Services*.

Section 320. Section 373.4596, Florida Statutes, is amended to read:

373.4596 State compliance with stormwater management programs.—The state, through the Department of *Management General Services*, the Department of Transportation, and other agencies, shall

construct, operate, and maintain buildings, roads, and other facilities it owns, leases, or manages to fully comply with state, water management district, and local government stormwater management programs.

Section 321. Paragraph (j) of subsection (3) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Community Affairs; energy emergency contingency plan; federal and state conservation programs.—

(3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.—The Department of Community Affairs shall, in addition to assuming the duties and responsibilities provided by ss. 20.18 and 377.701, perform the following functions consistent with the development of a state energy policy:

(j) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of *Management General Services*, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of *Management General Services*. Beginning 120 days following July 1, 1978, and every 3 months thereafter, the Department of *Management General Services* shall furnish the department data on agencies' energy consumption in a format mutually agreed upon by the two departments.

3. Promote the development and use of renewable energy resources and energy conservation technologies. To this end, the department shall:

a. Aid and promote the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center of the State University System, the Department of Commerce, and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

b. Promote the recovery of energy from wastes, including, but not limited to, the ~~use utilization~~ of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Regulation, the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

Section 322. Subsection (9) of section 380.0662, Florida Statutes, is amended to read:

380.0662 Definitions.—As used in this act, unless the context indicates a different meaning or intent:

(9) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services*.

Section 323. Section 401.013, Florida Statutes, is amended to read:

401.013 Legislative intent.—It is the intention and purpose of the Legislature that a statewide system of regional emergency medical telecommunications be developed whereby maximum use of existing radio channels is achieved in order to more effectively and rapidly provide emergency medical service to the general population. To this end, all emergency medical service entities within the state are directed to provide the Division of Communications of the Department of *Management General Services* with any information the division requests for the purpose of implementing the provisions of s. 401.015, and such entities shall comply with the resultant provisions established pursuant to this part.

Section 324. Section 401.015, Florida Statutes, is amended to read:

401.015 Statewide regional emergency medical telecommunication system.—The Division of Communications of the Department of *Management General Services* is authorized and directed to develop a statewide system of regional emergency medical telecommunications. For the purpose of this part, the term "telecommunications" means those voice, data, and signaling transmissions and receptions between emergency

medical service components, including, but not limited to: ambulances; rescue vehicles; hospitals or other related emergency receiving facilities; emergency communications centers; physicians and emergency medical personnel; paging facilities; law enforcement and fire protection agencies; and poison control, suicide, and emergency management agencies. In formulating such a system, the division shall divide the state into appropriate regions and shall develop a program which includes, but is not limited to, the following provisions:

(1) A requirements provision, which shall state the telecommunications requirements for each emergency medical entity comprising the region.

(2) An interfacility communications provision, which shall depict the telecommunications interfaces between the various medical service entities which operate within the region and state.

(3) An organizational layout provision, which shall include each emergency medical entity and the number of radio operating units (base, mobile, handheld, etc.) per entity.

(4) A frequency allocation and use provision, which shall include on an entity basis each assigned and planned radio channel and the type of operation (simplex, duplex, half duplex, etc.) on each channel.

(5) An operational provision, which shall include dispatching, logging, and operating procedures pertaining to telecommunications on an entity basis and regional basis.

(6) An emergency medical service telephone provision, which shall include the telephone and the numbering plan throughout the region for both the public and interface requirements.

Section 325. Subsections (3) and (5) of section 403.1834, Florida Statutes, are amended to read:

403.1834 State bonds to finance or refinance facilities; exemption from taxation.—

(3) The amount of the state bonds to be issued shall be determined by the Division of Bond Finance of the *State Board Department of Administration General Services*. However, the total principal amount issued shall not exceed \$300 million in any state fiscal year. This limitation does not apply to bonds issued to refinance outstanding bonds that were issued pursuant to this section in a previous fiscal year.

(5) The Department of Environmental Regulation and the Division of Bond Finance of the *State Board Department of Administration General Services* are hereby authorized to enter into lease-purchase agreements between such departments or to enter into lease-purchase agreements or loan agreements between either of such departments and any county, municipality, district, or authority, or any agency thereof, for such periods and under such other terms and conditions as may be mutually agreed upon by the parties thereto in order to carry out the purposes of s. 14, Art. VII of the State Constitution and this section.

Section 326. Paragraph (c) of subsection (2) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(2) For the purposes of this section, the term:

(c) "Bonds" means state bonds, certificates, or other obligations of indebtedness issued by the Division of Bond Finance of the *State Board Department of Administration General Services* pursuant to this section and the State Bond Act.

Section 327. Section 403.712, Florida Statutes, is amended to read:

403.712 Revenue bonds.—

(1) Revenue bonds payable from funds which result from the revenues derived from the operation of solid waste management facilities and from any revenues which may be pledged under s. 14, Art. VII of the State Constitution, and s. 403.1834, including, without limiting the generality of the foregoing, any legally available revenues derived from public or private sources, may be issued by the Division of Bond Finance of the *State Board Department of Administration General Services* on behalf of the state or any county or municipality in the manner provided by the State Bond Act, ss. 215.57 et seq., except as otherwise provided herein, and the Revenue Bond Act of 1953, as amended, part I, chapter 159. Such bonds shall be issued only to finance the cost of construction or mainte-

nance of solid waste management facilities, which cost may include the acquisition of real property and easements therein for such purposes, and the closure of solid waste landfills.

(2) Upon a determination by the Division of Bond Finance of the *State Board Department of Administration General Services* that a public competitive sale is not feasible or that it would not be desirable to award such revenue bonds solely on the basis of the lowest net interest cost bid, the Division of Bond Finance may negotiate the sale of any such revenue bonds after the receipt of one or more proposals, taking into consideration the lowest total cost and such other factors as may be deemed appropriate.

Section 328. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 403.714, Florida Statutes, are amended to read:

403.714 Duties of state agencies.—

(1) It shall be the duty of each state agency, the judicial branch of state government, and the State University System, by September 1, 1989, to:

(a) Establish a program, in cooperation with the Department of Environmental Regulation and the Department of *Management General Services*, for the collection of all recyclable materials generated in state offices throughout the state, including, at a minimum, aluminum, high-grade office paper, and corrugated paper.

(d) Establish and implement, in cooperation with the Department of Environmental Regulation and the Department of *Management General Services*, a solid waste reduction program for materials used in the course of agency operations. The program shall be designed and implemented to achieve the maximum feasible reduction of solid waste generated as a result of agency operations.

(4) All state agencies, including, but not limited to, the Department of Transportation, the Department of Natural Resources, and the Department of *Management General Services* and local governments, are required to procure compost products when they can be substituted for, and cost no more than, regular soil amendment products, provided the compost products meet all applicable state standards, specifications, and regulations. This product preference shall apply to, but not be limited to, the construction of highway projects, road rights-of-way, highway planting projects, recultivation and erosion control programs, and other projects.

Section 329. Section 403.7145, Florida Statutes, is amended to read:

403.7145 Capitol recycling demonstration area.—The Capitol and the House and Senate office buildings constitute the Capitol recycling demonstration area. The Florida House of Representatives, the Florida Senate, and the Office of the Governor, and each Cabinet officer who heads a department that occupies office space in the Capitol, shall, by January 1, 1989, institute a recycling program for their respective offices in the House and Senate office buildings and the Capitol. Provisions shall be made to collect and sell wastepaper and empty aluminum beverage cans generated by employee activities in these offices. The collection and sale of such materials shall be coordinated with Department of *Management General Services* recycling activities to maximize the efficiency and economy of this program. The Governor, the Speaker of the House of Representatives, the President of the Senate, and the Cabinet officers may authorize the use of proceeds from recyclable material sales for employee benefits and other purposes, in order to provide incentives to their respective employees for participation in the recycling program. Such proceeds may also be used to offset any costs of the recycling program.

Section 330. Subsections (1) and (2) of section 413.034, Florida Statutes, are amended to read:

413.034 Commission established; membership.—

(1) There is created within the Department of *Management General Services* the Commission for Purchase from the Blind or Other Severely Handicapped, to be composed of the *Secretary Executive Director* of the Department of *Management General Services*; the Director of the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, who shall be an ex officio member with voting rights; the Director of the Division of Blind Services of the Department of Education; and four members to be appointed by the Governor, which four members shall be an executive director of a nonprofit agency for the

blind, an executive director of a nonprofit agency for other severely handicapped persons, a representative of private enterprise, and a representative of other political subdivisions. All appointed members shall serve for terms of 4 years. Appointed commission members shall serve subject to confirmation by the Senate.

(2) The members of the commission shall elect one of their members to serve as chairman. Any nonappointed member may designate a representative of his agency or department to represent him at any meeting of the commission. The commission shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the Department of *Management General Services*, or at such times as may be prescribed by its rules.

Section 331. Subsection (18) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the following words and terms have the following meanings unless the context indicates another or different meaning or intent:

(18) "Division" means the Division of Bond Finance of the *State Board Department of Administration General Services* created by and referred to in the State Bond Act.

Section 332. Paragraph (b) of subsection (3) of section 420.608, Florida Statutes, is amended to read:

420.608 Inventory of publicly owned lands and buildings.—

(3) INVENTORY OF PUBLICLY OWNED LANDS AND BUILDINGS.—

(b) Notwithstanding the provisions of s. 253.002, the Department of Natural Resources shall review all information collected on state-owned lands and buildings and shall provide such information to the Department of Community Affairs. In addition, the Departments of Transportation, Corrections, and *Management General Services* shall provide the department such information as they may have available on lands or buildings in their inventories which may be suitable for development for affordable housing.

Section 333. Paragraph (a) of subsection (5) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the board.—

(5)(a) Upon written application by a private party, the board shall issue a binding opinion relating to a state agency's interpretation and enforcement of the specific model code adopted by the agency to regulate building construction or relating to the conformity of new technologies, techniques, and materials to the objectives of that model code. The provisions of this paragraph shall not be construed to provide any powers to the board with respect to any decision of the State Board of Education made pursuant to the provisions of s. 235.26, to the State Fire Marshal made pursuant to the provisions of chapter 633, to the Department of *Management General Services* made pursuant to the provisions of s. 255.25, or to any local government decision with respect to construction not subject to a state agency model code.

Section 334. Subsection (3) of section 570.50, Florida Statutes, is amended to read:

570.50 Division of Chemistry; powers and duties.—The duties of the Division of Chemistry include, but are not limited to:

(3) Testing samples submitted, under contractual agreement, by the Department of *Management General Services* and the Department of Education to establish and verify conformity with state specifications.

Section 335. Subsection (2) of section 627.096, Florida Statutes, is amended to read:

627.096 Workers' Compensation Rating Bureau.—

(2) The acquisition by the Department of *Management General Services* of data processing software, hardware, and services necessary to carry out the provisions of this act for the Treasurer's Management Information Center of the Department of Insurance shall be exempt from the provisions of part I of chapter 287.

Section 336. Subsection (11) of section 943.03, Florida Statutes, is amended to read:

943.03 Department of Law Enforcement.—



(11) The department shall establish headquarters in Tallahassee. The Department of *Management General Services* shall furnish the department with proper and adequate housing for its operation.

Section 337. Section 944.10, Florida Statutes, is amended to read:

944.10 Department of *Management General Services* to provide buildings; sale and purchase of land.—

(1) The Department of *Management General Services* shall cause all necessary buildings, facilities, and physical plants to be erected to accommodate all prisoners and from time to time shall make such additional alterations as may be necessary to provide for any increase in the number of prisoners; it shall cause to be established proper accommodations for such officers of the Department of Corrections who are required to reside constantly within the precincts of the institutions.

(2)(a) ~~The Division of Building Construction and Property Management of the Department of Management General Services may enter into lease-purchase agreements, on behalf of the Department of Corrections, to provide correctional facilities for the housing of state inmates. However, no such lease-purchase agreement shall be entered into without specific legislative authorization of that agreement, and funds must be specifically appropriated for each lease-purchase agreement. The facilities provided through such agreements shall meet the program plans and specifications of the Department of Corrections. The Department of Management Services Division of Building Construction and Property Management may enter into such lease agreements with private corporations and other governmental entities. However, notwithstanding the provisions of s. 255.25(3)(a), no such lease agreement may be entered into except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder.~~

(b) Such a lease-purchase agreement which is for a term extending beyond the end of a fiscal year shall be subject to the provisions of s. 216.311.

(3) The Department of *Management General Services* may sell, to the best possible advantage, any or all detached parcels of land belonging to the bodies of land purchased for the state correctional institutions. The Department of *Management General Services* is authorized to purchase any contiguous parcels of land within the boundary lines of the lands purchased for state correctional institutions.

Section 338. Subsection (1) of section 944.713, Florida Statutes, is amended to read:

944.713 Insurance against liability.—

(1) A bidder must provide an adequate plan of insurance against liability, including liability for violations of an inmate's civil rights by an insurance agency licensed in this state, pursuant to chapter 287. The insurance plan shall, at a minimum, protect the department from actions of a third party, assure the private vendor's ability to fulfill the conditions of the contract, and provide adequate protection for the department against claims arising as a result of any occurrence during the term of the contract on an occurrence basis. The adequacy of the insurance plan shall be determined, at the bidder's expense, by an independent risk-management or actuarial firm selected by the Department of *Management General Services*. The risk-management or actuarial firm selected must have demonstrated experience in assessing public liability of state government.

Section 339. Subsection (3) and paragraph (a) of subsection (6) of section 946.504, Florida Statutes, are amended to read:

946.504 Organization of corporation to operate correctional work programs; lease of facilities.—

(3) The corporation shall negotiate with the Department of *Management General Services* to reach and enter into an agreement for the lease of each correctional work program proposed by the corporation. The facilities to be leased and the amount of rental for such facilities shall be agreed upon by the Department of *Management General Services* and the corporation, with consultation with the department. The length of such lease shall be mutually agreed upon among the department, the Department of *Management General Services*, and the corporation; however, the initial lease may not exceed 7 years. The department shall continue to manage and operate the various correctional work programs until the lease between the department and the corporation is effective.

(6)(a) Upon the effective date of each lease of each correctional work program, the department shall cause to be remitted to the corporation all funds appropriated for, associated with, or budgeted for the operation of that correctional work program, as agreed upon among the department, the Department of *Management General Services*, and the corporation.

Section 340. Subsection (6) of section 946.515, Florida Statutes, is amended to read:

946.515 Use of goods and services produced in correctional work programs.—

(6) If, pursuant to a contract between any legislative, executive, or judicial agency of the state and any private contract vendor, a product or service is required by the Department of *Management General Services* or on behalf of any state agency, is certified by or is available from the corporation identified in this chapter, and has been approved in accordance with subsection (2), the contract must contain the following language:

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES WHICH ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 946.515(2), AND (4), F.S.; AND FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THIS AGENCY INsofar AS DEALINGS WITH SUCH CORPORATION ARE CONCERNED.

Section 341. Sections 20.31 and 112.192, Florida Statutes, are repealed.

Section 342. Subsection (1) of section 20.32, Florida Statutes, is amended to read:

20.32 Parole Commission.—

(1) The Parole and Probation Commission, authorized by s. 8(c), Art. IV, State Constitution of 1968, is continued and renamed the Parole Commission. The commission retains its powers, duties, and functions with respect to the granting and revoking of parole and shall exercise powers, duties, and functions relating to investigations of applications for clemency as directed by the Governor and the Cabinet.

Section 343. Section 940.03, Florida Statutes, is amended to read:

940.03 Application for executive clemency.—When any person intends to apply for remission of any fine or forfeiture or the commutation of any punishment, or for pardon or restoration of civil rights, he shall request an application form from the *Parole Commission Office of Executive Clemency in Tallahassee, Florida*, in compliance with such rules regarding application for executive clemency as ~~are may be~~ adopted by the Governor with the approval of three members of the Cabinet. Such application may require the submission of a certified copy of the applicant's indictment or information, the judgment adjudicating the applicant to be guilty, and the sentence, if sentence has been imposed, and may also require the applicant to send a copy of the application to the judge and prosecuting attorney of the court in which the applicant was convicted, notifying them of the applicant's intent to apply for executive clemency.

Section 344. (1) The Department of General Services shall establish a work group to review the functions performed by the divisions of Purchasing, Motor Pool, Building Construction, and Facilities Management of the Department of General Services. The work group shall also consider whether such functions are most effectively and efficiently performed by a centralized agency or whether the performance of such functions would be improved by decentralization for all or specified agencies. The work group also shall identify functions which could be privatized and make recommendations as appropriate. Any recommendations to decentralize or privatize such functions must preserve or enhance the current integrity, fairness, and competitiveness of the state's procurement process for commodities and services. The work group shall submit a report containing its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 1992. The report must be accompanied by proposed legislation which would revise all statutes necessary to implement the recommendations of the work group.

(2) In conducting its review, the work group shall consider the following criteria:

- (a) Whether the function or entity operates efficiently and effectively within its statutory framework.
- (b) Whether the function or entity as presently constituted assists or unduly impedes the efficient and effective provision of services.
- (c) Whether the function or entity can be privatized and, if so, what benefits or detriments would accompany such privatization.
- (d) Whether the function or entity can be decentralized and, if so, what benefits or detriments would accompany such decentralization.
- (e) Whether the function or entity can be assigned to another state agency and, if so, what is the most efficient and effective way of doing so.
- (f) Whether the functions of one agency duplicate functions performed by another agency and, if so, how such duplication can best be reduced or eliminated.
- (g) What officer or entity is responsible for administering the function, and whether assignment of the function to another officer or entity would provide greater accountability.

(3) The work group shall be comprised of 15 members. The Secretary of State shall appoint a representative of the Department of State, the Commissioner of Agriculture shall appoint a representative of the Department of Agriculture and Consumer Services, the Commissioner of Education shall appoint a representative of the Department of Education, the Comptroller shall appoint a representative of the Department of Banking and Finance, the Treasurer shall appoint a representative of the Department of Insurance, and the Attorney General shall appoint a representative of the Department of Legal Affairs. The Governor shall appoint nine members representing state agencies, of whom two must represent agencies headed by the Governor and Cabinet. The report and recommendations submitted by the work group must be approved by at least 10 members prior to submission on December 1, 1992.

(4) This section expires March 1, 1993.

Section 345. Section 121.1815, Florida Statutes, is amended to read:

121.1815 Special pensions to individuals; administration of laws by Department of *Management Services Administration*.—All powers, duties, and functions related to the administration of laws providing special pensions to individuals, including chapter 18054, Laws of Florida, 1937; chapter 26788, Laws of Florida, 1951, as amended by chapter 57-871, Laws of Florida; chapter 26836, Laws of Florida, 1951; and chapter 63-953, Laws of Florida, are vested in the Department of *Management Services Administration* and shall be assigned to the Division of Retirement. All laws hereinafter enacted by the Legislature pertaining to special pensions for individuals shall be administered by said division, unless contrary provisions are contained in such law. Upon the death of any person receiving a monthly pension under this section, the monthly pension shall be paid through the last day of the month of death and shall terminate on that date, unless contrary provisions are contained in the special pension law.

Section 346. Subsection (1) of section 121.22, Florida Statutes, is amended to read:

121.22 State Retirement Commission; creation; membership; compensation.—

(1) There is created within the Department of *Management Services Administration* a State Retirement Commission composed of seven members: One member who is retired under a state-supported retirement system administered by the Division of Retirement; two members from different occupational backgrounds who are active members in a state-supported retirement system which is administered by the Division of Retirement; and four members who are not retirees, beneficiaries, or members of a state-supported retirement system which is administered by the Division of Retirement.

Section 347. Subsection (1) of section 121.23, Florida Statutes, is amended to read:

121.23 Disability retirement and special risk membership applications; Retirement Commission; powers and duties; judicial review.—The provisions of this section apply to all proceedings in which the adminis-

trator has made a written final decision on the merits respecting applications for disability retirement, reexamination of retired members receiving disability benefits, applications for special risk membership, and reexamination of special risk members in the Florida Retirement System. The jurisdiction of the State Retirement Commission under this section shall be limited to written final decisions of the administrator on the merits.

(1) In accordance with the rules of procedure adopted by the Department of *Management Services Administration* through the Division of Retirement, the administrator shall:

- (a) Give reasonable notice of his proposed action, or his decision to refuse action, together with a summary of the factual, legal, and policy grounds therefor.
- (b) Give affected members, or their counsel, an opportunity to present to the division written evidence in opposition to the proposed action or refusal to act or a written statement challenging the grounds upon which the administrator has chosen to justify his action or inaction.
- (c) If the objections of the member are overruled, provide a written explanation within 21 days.

Section 348. Subsections (2) and (3) of section 121.24, Florida Statutes, are amended to read:

121.24 Conduct of commission business; legal and other assistance; compensation.—

(2) Legal counsel for the commission may be provided by the Department of Legal Affairs or by the Department of *Management Services Administration*, with the concurrence of the commission, and shall be paid by the Department of *Management Services Administration* from the appropriate funds.

(3) The Department of *Management Services Administration* shall provide timely and appropriate training for newly appointed members of the commission. Such training shall be designed to acquaint new members of the commission with the duties and responsibilities of the commission.

Section 349. Section 217.07, Florida Statutes, is amended to read:

217.07 Transfer of surplus property assets to department.—The State Treasurer is authorized to transfer to the department any funds unexpended in the Surplus Property *Division* Revolving Trust Fund account in the State Treasury. This revolving fund shall remain in existence as a separate trust fund as long as the surplus property program exists. Upon termination of the program any remaining funds shall be disposed of as provided by federal law.

Section 350. Section 281.09, Florida Statutes, is amended to read:

281.09 Bonding required of officers and agents.—The Department of *Management General Services* shall ensure that each officer and agent of the Division of Capitol Police is adequately bonded in accordance with its procedures relating to blanket bonding of public employees.

Section 351. Subsection (3) and paragraph (b) of subsection (9) of section 407.50, Florida Statutes, are amended to read:

407.50 Review of hospital budgets.—

(3) At least 90 days prior to the beginning of its fiscal year, each hospital requesting a rate of increase in gross revenue per adjusted admission in excess of the maximum allowable rate of increase for the hospital's next fiscal year, or each hospital utilizing banked percentage points pursuant to paragraph (2)(b) and requesting a rate of increase in excess of the maximum allowable rate of increase plus the available banked percentage points, shall be subject to detailed budget review and shall file its projected budget with the board for approval. In determining the base, the hospital's prior year audited actual experience shall be used unless the hospital's prior year audited actual experience exceeded the applicable rate of increase in which case the base shall be the gross revenue per adjusted admission from the year before the prior year, increased by the applicable rate of increase for the prior year, and then inflated by the applicable rate of increase for the current year. As used in this subsection, "applicable rate of increase" means the MARI unless the board has approved a different rate of increase in which case such rate of increase shall apply. The projected budget filed under s. 407.05(6) shall be deemed approved unless it is disapproved by the board within 90 days after filing

except that where the hospital requests a hearing, the 90 days shall be tolled until 10 days after the board's receipt of the recommended order from the Division of Administrative Hearings of the Department of Administration. Upon agreement by the board and the hospital, the 90-day period may be waived or extended. As part of the review process conducted by the board, the board may approve, disapprove, or disapprove in part the projected budget. No hospital submitting a budget for approval shall operate at a level of expenditures or revenues which exceeds the maximum allowable rate of increase minus 1 percentage point unless a higher rate of increase has been approved by the board. However, a hospital with banked percentage points requesting a rate of increase which exceeds the maximum allowable rate of increase plus the banked percentage points shall not operate at a level of expenditures or revenues in excess of 1 percentage point below the maximum allowable rate of increase plus the banked percentage points.

(9)

(b) If a hearing is requested, it shall be conducted by the board or, at the election of the board, by a hearing officer of the Division of Administrative Hearings of the Department of Administration, pursuant to the provisions of s. 120.57. The Division of Administrative Hearings shall assign at least two full-time hearing officers exclusively to hear matters pertaining to this chapter. Hearings shall be held within 30 days of filing the request unless waived by the board and the hospital. All hearings shall be held in Tallahassee unless the board determines otherwise.

Section 352. Section 18 of chapter 91-431, Laws of Florida, is amended to read:

Section 18. Training.—

(1) It is the intent of the Legislature that state agencies shall implement training programs that encompass modern management principles, such as those embodied in total quality management, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

(2) If requested by the employing agencies, the Department of Management Services Administration shall provide the employing agencies with training necessary to implement the revision of the Career Service System and implement the principles of quality management.

(3) The employing agencies shall report annually to the Department of Management Services Administration all training programs used by that agency which have not been provided by the Department of Management Services Administration.

(4) The Department of Management Services Administration shall evaluate annually the training implemented in each employing agency and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress made by each agency in the area of training.

(5) As approved by the Legislature by law, each employing agency may use a specified percentage of its salary budget to implement training programs.

Section 353. (1) The administrative rules of the agencies involved in this reorganization that are in effect immediately prior to the effective date of this act shall remain in effect until specifically changed in the manner provided by law.

(2) This act shall not affect the validity of any judicial or administrative proceeding pending on the effective date of this act, and any agency to which are transferred the powers, duties, and functions relating to the pending proceeding shall be substituted as a party in interest for that proceeding.

Section 354. If any other act enacted in the 1992 Regular Session of the Legislature expressly or implicitly grants any authority to or imposes any power or duty upon any unit of the Department of Administration, such authority may be exercised by and such power or duty is imposed upon the agency to which such unit is transferred by this act. If any other act enacted in the 1992 Regular Session of the Legislature grants any authority to or imposes any power or duty upon the Department of Administration and does not express or imply any unit of the department which is to exercise such authority, power, or duty, such authority may be exercised by and such power or duty is imposed upon the Department of Management Services.

Section 355. The republication or amendment by this act of any provision of the Florida Statutes which is repealed by any other act of the Legislature, regardless of the effective date of the repeal and regardless of the session of the Legislature in which such repeal was enacted, shall not operate to abrogate that repeal.

Section 356. If any law that is amended by this act was also amended by a law enacted at the 1992 Regular Session of the Legislature or at the special session that convened on March 23, 1992, such laws shall be construed as if they had been enacted by the same session of the Legislature, and full effect should be given to each if that is possible.

Section 357. Except as otherwise expressly provided in this act, this act shall take effect January 1, 1993, except that this section and section 344 of this act shall take effect upon this act becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to governmental reorganization; abolishing the Department of Administration and transferring its duties to other agencies; amending s. 20.22, F.S.; renaming the Department of General Services as the Department of Management Services and providing that the head of the department is a Secretary of Management Services appointed by the Governor; transferring the Division of Bond Finance from the Department of General Services to the State Board of Administration; transferring personnel, records, property, and unexpended balances of appropriations of the Department of General Services used to support the Office of Executive Clemency to the Florida Parole Commission; reassigning the duties of the Division of Building Construction and the Division of Facilities Management of the Department of General Services to the Division of Building Construction and Facilities Management within the Department of Management Services; making the Division of Surplus Property a bureau within the Division of Purchasing; amending ss. 11.25, 11.44, 20.04, 20.23, 24.120, 110.107, 110.109, 110.1097, 110.1127, 110.1128, 110.116, 110.117, 110.121, 110.123, 110.1231, 110.1232, 110.1234, 110.1245, 110.1246, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.205, 110.2135, 110.215, 110.227, 110.233, 110.403, 110.405, 110.407, 110.503, 110.607, 112.0455, 112.08, 112.0804, 112.24, 112.3173, 112.352, 112.361, 112.363, 112.63, 112.665, 120.52, 120.65, 121.021, 121.025, 121.031, 121.0515, 121.055, 121.071, 121.135, 121.136, 121.35, 121.40, 122.02, 122.03, 122.09, 122.13, 122.23, 122.34, 123.01, 123.07, 123.11, 123.24, 123.25, 123.36, 132.34, 145.19, 154.04, 163.3184, 189.4035, 189.412, 189.421, 210.20, 210.75, 215.425, 215.515, 215.94, 215.96, 216.011, 216.0165, 216.262, 218.32, 230.23, 231.262, 231.36, 238.01, 238.03, 238.08, 238.11, 240.209, 240.343, 242.68, 250.22, 252.38, 253.126, 266.0006, 266.0016, 266.0026, 266.0036, 266.0046, 266.0056, 266.0066, 284.36, 287.17, 295.11, 321.04, 321.17, 321.19, 321.191, 321.202, 321.2205, 337.165, 350.0614, 350.125, 370.0821, 376.10, 381.709, 402.35, 403.061, 406.075, 408.001, 409.029, 443.131, 455.225, 650.02, 760.04, F.S.; conforming such sections to the abolition of the Department of Administration; amending ss. 11.148, 11.45, 14.057, 20.32, 24.105, 27.34, 27.54, 75.05, 110.173, 120.53, 159.345, 159.475, 159.7055, 159.803, 212.055, 215.196, 215.422, 215.47, 215.62, 215.93, 215.94, 216.0152, 216.016, 216.044, 216.0445, 216.163, 216.292, 217.01, 217.02, 217.04, 217.045, 217.11, 218.32, 218.37, 218.38, 229.8052, 235.018, 235.26, 240.225, 240.417, 240.441, 253.45, 255.02, 255.043, 255.05, 255.21, 255.245, 255.249, 255.25, 255.253, 255.257, 255.258, 255.259, 255.28, 255.29, 255.30, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.512, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 255.555, 255.565, 259.03, 265.284, 265.285, 265.2865, 267.061, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129, 272.16, 272.161, 272.18, 272.185, 273.04, 273.05, 273.055, 281.02, 281.07, 282.102, 282.1021, 282.103, 282.105, 282.1095, 282.111, 282.304, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.314, 282.318, 282.402, 282.403, 283.30, 284.01, 284.04, 284.05, 284.08, 284.385, 284.42, 285.06, 285.14, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, 287.0572, 287.0595, 287.064, 287.073, 287.0834, 287.0943, 287.0945, 287.133, 287.15, 287.151, 287.155, 287.16, 288.13, 288.14, 288.15, 288.17, 288.18, 288.23, 288.24, 288.28, 288.281, 288.31, 288.33, 288.703, 288.704, 288.705, 320.0802, 327.25, 336.025, 337.02, 337.276, 338.227, 341.101, 341.322, 344.17, 348.0002, 348.241, 348.52, 348.755, 348.765, 348.94, 348.941, 348.963, 348.966, 349.05, 365.171, 373.4596, 377.703, 380.0662, 401.013, 401.015, 403.1834, 403.1835, 403.712, 403.714, 403.7145, 413.034, 420.503, 420.608, 553.77, 570.50, 627.096, 940.03, 943.03, 944.10, 944.713, 946.504, 946.515, F.S.; conforming such sections to the renaming of the Department of Management Services and to the transfer of certain of the department's duties;

repealing s. 20.31, F.S., relating to the Department of Administration; repealing s. 112.192, F.S., relating to the State Officers' Compensation Commission; repealing s. 215.58(5), F.S., relating to a definition of the term "department"; providing for a study of certain functions of decisions in the Department of General Services; amending ss. 121.1815, 121.22, 121.23, 121.24, 217.07, 281.09, 407.50, F.S., and s. 18, ch. 91-431, Laws of Florida; conforming such sections to the abolition of the Department of Administration and the renaming of the Department of General Services; providing for continuation of rules of agencies involved in reorganization; providing for substitution of agencies in pending proceedings; providing for assumption of powers and duties under conflicting laws enacted in the same session; providing for construction of laws enacted at the 1992 Regular Session or a special session in relation to this act; providing an effective date.

Senator Malchon moved the following amendments which were adopted:

**Amendment 6**—On page 250, line 23, after the period (.) insert: "Department" or "department head" also means the chairman of the Unemployment Appeals Commission or the chairman of the Public Employees Relations Commission.

**Amendment 7**—On page 255, lines 4 and 5, strike "budgeting, leasing, purchasing, property, and construction" and insert: and budgeting

On motion by Senator Malchon, by two-thirds vote **SB 2-F** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30      Nays—10

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

#### RETURNING MESSAGES—FINAL ACTION

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed SB 2-F and has adopted SM 8-F.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

### ROLL CALLS ON SENATE BILLS

#### SB 2-F—Amendment 1

##### Yeas—18

Bankhead	Crotty	Grizzle	Myers
Bruner	Diaz-Balart	Jennings	Plummer
Burt	Dudley	Johnson	Scott
Childers	Gordon	Langley	
Crenshaw	Grant	McKay	

##### Nays—22

Madam President	Gardner	Malchon	Weinstein
Beard	Girardeau	Meek	Weinstock
Casas	Jenne	Souto	Wexler
Dantzler	Kirkpatrick	Thomas	Yancey
Davis	Kiser	Thurman	
Forman	Kurth	Walker	

#### SB 2-F

##### Yeas—30

Madam President	Diaz-Balart	Kiser	Thurman
Beard	Forman	Kurth	Walker
Burt	Gardner	Malchon	Weinstein
Casas	Girardeau	McKay	Weinstock
Childers	Gordon	Meek	Wexler
Crotty	Jenne	Plummer	Yancey
Dantzler	Jennings	Souto	
Davis	Kirkpatrick	Thomas	

##### Nays—10

Bankhead	Dudley	Johnson	Scott
Bruner	Grant	Langley	
Crenshaw	Grizzle	Myers	

### ADJOURNMENT

On motion by Senator Thomas, the Senate adjourned sine die at 5:00 p.m.